

COUNCIL MEETING

AUGUST 8, 2018

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, August 8, 2018 at 9:04 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Mason K. Chock
Honorable Ross Kagawa (*not present 1:54 p.m.*)
Honorable Arryl Kaneshiro
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura (*excused 11:33 a.m. to 1:54 p.m.*)
Honorable Mel Rapozo

APPROVAL OF AGENDA.

Councilmember Chock moved for approval of the agenda, as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: There is someone registered to speak. With that, I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

SCOTT K. SATO, Deputy County Clerk: The first speaker is Ana Mo Des.

Council Chair Rapozo: Good morning.

ANA MO DES: Good morning, Council Chair Rapozo and Members of the Council. Thank you for having me. My name is Ana Mo Des, and this is personal. I am going keep with the rules and honor your rules on the agenda item. I am not going into specifics. Every time I walk through the door, I hope that I have earned your respect on a personal level for each of you. I am truly grateful for all of your efforts. I do not come in to show my face or be in a position of recognition. I have come in to speak on items of great importance and how I feel. For this item, I disapprove of the agenda. I feel like we can just turn off the lights and go home. What I have said every time I come is that the two (2) big reasons that you will continue to see my face is until our humanitarian crisis is resolved and our sustainability efforts are underway. I feel there has been no movement on this. We are nowhere in any better shape with our sustainability efforts or with the crisis that we are seeing that is important to all of us. In this situation, we are all requesting for the community to believe in us, to believe that we are comrades and we are of service for the needs. I will be submitting my letter of dissent with specifics and with a list of demands, since I feel my requests have not been honored. I feel it has been placated issue and possibly even ignored, and maybe we are not understanding the severity of what we are experiencing with the five (5) ailments of our homelessness,

drug and alcohol abuse, domestic violence, crime, and suicide. It has all gotten worse in the year and a half that I have been testifying.

Council Chair Rapozo: Ana, I am going to have to stop you. To speak on the agenda...

Ms. Mo Des: Yes. The agenda item is that I disapprove of the agenda, and I would appreciate in moving forward, for all of us to consider the situation and to bring agenda items that are going to solve the issues for all of the crises that we are experiencing. You know I feel you and the immense pressure you are under, and I have always come forward with respect. The last time I was here, I was very angry and I had to spend time not showing up and not paying attention because I do not want to express anger to you because you do not deserve it, and you do not get to justice through anger. So, I needed to cool off before showing and appearing before you with a level-head so that you continue to receive my true compassion and respect for the situation that you are all in. It is a huge mountain. The intensity that we are experiencing is a shift here. The way it has been done before that it has just been allowed to continue in these bureaucratic forms and this way of justifications, discussions, and determining factors, we are going to shift through and go through a period of unstableness because it is not sustainable to continue this way into the future. I am going to express a lot of patience...

Council Chair Rapozo: Ana, I am going to reel you back in again. If you have a request...

Ms. Mo Des: I am completing my testimony.

Council Chair Rapozo: You made the statement about your requests being ignored. I just want to make sure that if you have requested an item for the agenda that was ignored, I need to know about it, because I did not see a request.

Ms. Mo Des: Okay.

Council Chair Rapozo: If you have an item that you would like to...

Ms. Mo Des: I understand that you have a heavy load of E-mails and I did not want to be the one participating and being obnoxious on getting through to you.

Council Chair Rapozo: I just want to make sure we are following the Sunshine Law here, and this item is specifically...

Ms. Mo Des: I am going to submit my letter of dissent with the specifics of the year and a half occasion. I hope that you understand that I am coming from a huge amount of respect and admiration for all of you. Please do not feel that I am attacking the situation in any way. I am just expressing the dire need of the state of emergency that we are facing so that we can come together with the solutions that we are all proclaiming we desire, because we are all underdogs. We have clawed out of the ditch with our own bare hands, right here, or our parents or grandparents have. We can all come forward with this understanding of what we are facing for the future. It is going to take all of us to be extremely innovative and

courageous to make these ultimate decisions that are going to transform our future. I will continue to place my trust in you no matter what is being said. I will not be jaded, because I believe so much in the potential here. When I walk through those doors, this is a scared and reverent place where laws are passed that affect our lives. I will always be grateful for you, I will always believe in you, and you have my trust. We will navigate this together with truth, honesty, and so much courage. That completes my testimony. Thank you so much for the time.

Council Chair Rapozo: Thank you.

Ms. Mo Des: *Mahalo.*

There being no further testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda, as circulated, was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

MINUTES of the following meeting of the Council:

July 11, 2018 Public Hearing re: Bill No. 2687

Councilmember Brun moved to approve the Minutes as circulated, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

INTERVIEWS:

PLANNING COMMISSION:

- Elesther Calipjo – Partial Term ending 12/31/2019

Council Chair Rapozo: For the record, Councilmember Kaneshiro will recuse himself, as Mr. Calipjo is a member of his family.

(Councilmember Kaneshiro was noted as recused.)

Council Chair Rapozo: With that, Lester, thank you for being here today. Have a seat. I think this is your first time at a Commission appointee interview.

ELESTHER CALIPJO: Yes.

Council Chair Rapozo: Okay. Well, we will give you a couple of minutes to share a little bit about yourself and why you would like to serve on the Planning Commission, and then we will open it up for questions. Thank you.

Mr. Calipjo: Good morning, ladies and gentlemen. For the record, I am Elesther Calipjo, a resident of Lihu'e. I am married to Milagros Calipjo. We have four (4) children. We have three (3) lovely grandchildren. I migrated from the Philippines in 1985. I learned how to speak English here. Please excuse me if I say the word wrong or pronounce the word wrong. Feel free to correct me. I am a small business owner. I currently own Garden Island Collision Repair, LLC dba Kaua'i Foreign Cars as well as Calipjo Properties and some other entities. I am a community-oriented person, a volunteer, and serve on various boards and organizations. I am currently President and Chairman of the Board of the Kaua'i Philippine Cultural Center (KPCC). By the way, thank you so much for your past support of KPCC.

Council Chair Rapozo: Thank you very much. Are there any questions for Lester? Councilmember Kawakami.

Councilmember Kawakami: I do not have a question. I just want to say thank you for your willingness to serve. I do not know where you are going to find the time running your businesses and all of the volunteerism. Thank you for being that member of society that truly steps up and is willing to give back, especially on such an important Commission. Lester, thank you very much.

Mr. Calipjo: Thank you.

Council Chair Rapozo: Are there any other questions?
Councilmember Yukimura.

Councilmember Yukimura: Good morning, Lester.

Mr. Calipjo: Good morning

Councilmember Yukimura: Thank you for all you have done for the community, especially the Filipino community. I liked your statement on your application that "making sure our island's future is balanced and prosperous can depend on how we develop." I just wondered how you see the island developing that will be in the way that will benefit the community.

Mr. Calipjo: Well, I am aware that we have a General Plan update and any proposal should be consistent with the General Plan, so we will follow what the General Plan will be.

Councilmember Yukimura: What if the General Plan is internally inconsistent?

Mr. Calipjo: The General Plan is there to follow. I do not know what inconsistency you are looking at. We have lawyers in the County, so we will base our decisions on their recommendations.

Councilmember Yukimura: Well, we have not always done well when we just followed the lawyers. By "internal inconsistencies" I mean, for example, our policy is to have compact development, but then another part of the plan has this huge urbanization of agricultural land and things like that, so there is that inconsistency. It says we are supposed to do incremental growth for Hanapēpē and 'Ele'ele, but we have urbanization that doubles the area. That is what I mean. So, there are some tough problems.

(Councilmember Kagawa was noted as not present.)

Mr. Calipjo: I will look at that, and what I am looking at is probably balanced growth.

Councilmember Yukimura: Yes, that is the key, how to balance. The other thing is you mentioned that you have businesses and properties, so there may be times when applicants for permits and whatnot have association with you in business, or will affect your properties or things like that. I just wonder how you plan handle that.

Mr. Calipjo: Are you talking about people that I know?

Councilmember Yukimura: Well, they are associates who have business dealings with you or whatever, and they may be applicants before the Planning Commission.

Mr. Calipjo: Well, I can look at their applications, give my input, and probably recuse myself when it comes to voting. But I can still give my opinion if they need my opinion.

Councilmember Yukimura: When you recuse yourself, you cannot give opinions, theoretically.

Mr. Calipjo: Okay.

Councilmember Yukimura: I am sure you will be oriented. There is an orientation for new Planning Commissioners, so you will get the education and so forth. As I understand recusal, you cannot talk about it either on the floor or off the floor.

Mr. Calipjo: Well, this my first time to sit on the Commission.

Councilmember Yukimura: Yes.

Mr. Calipjo: I need to learn a lot.

Councilmember Yukimura: Yes, it is a big learning curve.

Mr. Calipjo: I am not a smart person.

Councilmember Yukimura: I think a lot of people would disagree with that statement. Okay. Thank you.

Mr. Calipjo: Thank you.

Council Chair Rapozo: Thank you. Does anyone else have any others questions? Lesther, do you have anything in front of the Planning Commission now?

Mr. Calipjo: No.

Council Chair Rapozo: Okay.

(Councilmember Kagawa was noted as present.)

Council Chair Rapozo: That was a question from a constituent that came in who saw the agenda. That was the only question I had at this point. Is there anything else? If not, thank you very much, Lesther. I appreciate you agreeing to—go ahead.

Councilmember Kagawa: I just wanted to thank you for being willing to serve. You are a successful business owner and you represent the Filipino community. I think it is important that we get a diverse group on our Planning Commission. I will be supporting you. Thank you.

Mr. Calipjo: Thank you.

Council Chair Rapozo: Thank you, Lesther. Have a good day.

Mr. Calipjo: Thank you very much.

Council Chair Rapozo: Next.

KAUA'I HISTORIC PRESERVATION REVIEW COMMISSION:

- Aubrey Summers (*Architecture*) – Term ending 12/31/2020

Council Chair Rapozo: Good morning.

AUBREY SUMMERS: Good morning.

Council Chair Rapozo: Welcome. You saw the drill. This your first time as well, right?

Ms. Summers: Yes.

Council Chair Rapozo: Likewise, take a few minutes to talk about yourself, explain why you would like to serve on the Kaua'i Historic Preservation Review Commission, and then we will open up for questions.

Ms. Summers: Okay. I am pretty new to the island. I just moved here in October. I was on Hawai'i Island for eleven (11) years working with the Department of Parks & Recreation there. Prior to that, I practiced architecture on the mainland.

(Councilmember Kaneshiro was noted as present.)

Ms. Summers: I grew to really appreciate the work that the County did when I was on Hawai'i Island, and I had the opportunity to work with the Planning Department here for several months. I really enjoyed working with everyone in that Office and was introduced to the Kaua'i Historic Preservation Review Commission while working with them. I got to work with Pat Griffin a little bit on a project, became very interested in the Commission, found out there was an opening, and wanted to participate if I could.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: I want to thank you for being willing to serve on this Commission. In the six (6) years that I have been here on the Council, I have seen a couple of issues that I hoped that Planning could help the owners of these old properties to resolve some of these issues. One of them is in Hanapēpē Town, the Aloha Theatre. It is rundown and people in the neighborhood that live there tell me, "Hey, you have to tear it down somehow. It is dangerous." I understand there is some historic preservation type of issues that they do not want to just knock it down. They want to rebuild, but if they rebuild—because it was probably built in the 1800s. Then, you have the other one here on the main highway that was brought to my attention. It is right across...it is a service station. I think it is the Shell Gas Station that is right by Council Chair Rapozo's old pawn shop by the Līhu'e Theatre. The new owners of that gas station wanted to renovate because the building was leaking heavily and it is a poor design, but they were told that the building is historic and they needed to basically follow the way it looks. They said that the design is poor and that is why the roof leaks. It just would not fit their need. The main reason was that they said it was the first gas station in Līhu'e or something. At times, I feel like preserving these important structures, yes, they are very important, but if the design is poor, then perhaps we should override the historic reasons. It is just like the theatre. It was built long ago. There is no longer a need for a theatre there. Why would anyone build or have a use for something that looks like a theatre? It troubles me and I am hoping that perhaps we can have some type of quicker action to allow these buildings, if they are dangerous, to be broken down and rebuilt or what have you. I do not want the historic preservation, even if it is the State Historic Preservation Review Division, to hold up a project because just by sticking to our guns, we are just making these things stuck, like they cannot do anything and do not want to do anything. To me, that is when we should be able to change a little bit and be flexible because just sticking to our guns is not working.

(Councilmember Brun was noted as not present.)

Ms. Summers: Right. The Federal and State do come into play.

Councilmember Kagawa: Yes. I do not know if you have any feedback as to if you may help address some of those things. Like I said, it has been six (6) years that it has been sitting.

Ms. Summers: Right.

Councilmember Kagawa: No one has been using it. When a building goes unused, the termites and bugs just keep eating it, and maybe someone is going to get hurt.

Ms. Summers: Right. Well, I do know that there are the Federal guidelines as well as the State Historic Preservation Review Division, so there are a lot of different players that come into it. It is something that definitely needs to be looked at, but I do not think we can say that we will be able to just push things through. We will definitely have to look at all of the different, like I said, the guidelines and different agencies that have a say in what is going on. It does become quite complicated, I agree. I know that for a building owner, it can be quite onerous and I know that is something that needs to be looked at as well, because we do not want buildings falling down just because they are old. But maybe there are ways to preserve parts of building and give that sense of historic value of that building without having to take the entire building, or maybe there are ways to look at different ways.

Councilmember Kagawa: Well, you are an architect, right?

Ms. Summers: Yes.

Councilmember Kagawa: So, maybe you can help.

Ms. Summers: I would like to try.

Councilmember Kagawa: On the local level, you can help them find some kind of balance maybe, as far as how we can be more creative than the past.

Ms. Summers: Yes.

Councilmember Kagawa: Instead of just sticking to this "it has to look like this."

Ms. Summers: Right.

Councilmember Kagawa: Maybe it is not practical. I am hoping that with your experience on that Commission as an architect, there may be more flexibility so I can actually some of these issues get resolved.

Ms. Summers: Right.

Councilmember Kagawa: How does letting old buildings sit and deteriorate in the heart of Hanapēpē and Līhu'e towns benefit anyone?

Ms. Summers: Right.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Ms. Summers: Good morning.

Councilmember Yukimura: Thank you very much, Ms. Summers. You have a really impressive background.

Ms. Summers: Thank you.

Councilmember Yukimura: Yes. In your employment history, did you just finish work with the Kaua'i Planning Department or is it still ongoing?

Ms. Summers: I finished in June.

Councilmember Yukimura: What did you do? You say that you reviewed and responded to shoreline setback determinations.

Ms. Summers: I believe my title was Project Manager for CZM, Coastal Zoning Management. Those were the items I was looking at while I was there.

Councilmember Yukimura: Okay. Then, you worked ten (10) years for the Hawai'i Island County.

Ms. Summers: Yes.

Councilmember Yukimura: And you managed over forty (40) park projects?

Ms. Summers: Well, there were only three (3) Project Managers and we did the whole island. We were lucky enough to have a Mayor that gave our Department a lot of money while I was there, and so we got to do a lot.

Councilmember Yukimura: Was it mainly repair and maintenance?

Ms. Summers: A combination.

(Councilmember Kawakami was noted as not present.)

Ms. Summers: So anything from a playground to re-coating Edith Kanaka'ole Multi-Purpose Stadium because the roof leaks, to new buildings such as community play areas like twenty-six thousand (26,000) square foot community play areas with basketball and volleyball. So everything from the tiniest, *manini*.

(Councilmember Kawakami was noted as not present.)

Councilmember Yukimura: Yes, that is much needed. Your work in historic preservation...

Ms. Summers: Most of my work in historic preservation took place in the mainland when I was working for architectural firms that dealt with older buildings, typically, schools and there was a monastery that I worked on. So, mostly like I said, with other architecture firms.

(Councilmember Kagawa was noted as not present.)

Ms. Summers: I have not done a lot recently. We did some with the Department of Parks and Recreation. A lot of buildings that we had were old plantation buildings that were converted to gyms or used as gyms, so we did some historic preservation with the Department of Parks and Recreation as well.

Councilmember Yukimura: So you must be familiar with the laws and regulations.

Ms. Summers: I am somewhat familiar. I feel like I need to go back and refresh myself, but yes, I am familiar to a certain degree.

Councilmember Yukimura: I think the Planning Department or the applicants need to also identify in the staff reports, right, because you will be a review commission that reads the staff reports that come if you sit on the Kaua'i Historic Preservation Review Commission?

Ms. Summers: I actually do not know. I am sorry. I should have done a little more research on what the role would be. I know that it would be reviewing applicants, but I am not sure how that goes from the Planning Department to the Commission.

Councilmember Yukimura: I think whenever a historic building is involved in the permit application, whether it is directly on the building or it is part of a project and it requires the Kaua'i Historic Preservation Review Commission review, then it will go to you.

Ms. Summers: Are you saying that it goes to Planning first and they do a report?

Councilmember Yukimura: Yes.

Ms. Summers: That makes sense because that is how it is for the Planning Commission.

Councilmember Yukimura: Okay. I can see that you have enough background to navigate and render good decisions. Thank you very much.

Ms. Summers: Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Thank you, Council Chair Rapozo. I do not have a question. I was asked to sponsor Aubrey's nomination, so I did a little bit of homework. In your experience here, which you come with a lot of experience and expertise by the way, so I think you will make a good addition to the Kaua'i Historic Preservation Review Commission. But again, you were highly recommended as well with your experience and your contribution has been while with the County. Thank you for being willing to serve and for what we hope that you will help us with, like I said, that was requested earlier with some of what is happening around the island. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: Thank you for wanting to serve. I think your resume is very impressive. I think you will make a good addition to helping us on preservation. Thank you.

Council Chair Rapozo: Thank you very much. You had an impressive resume. I think you would make a great candidate for the Planning Commission as well. I am hoping that at some point, you have that opportunity. Thank you for being here. I do not have any questions.

Ms. Summers: Thank you very much. I appreciate it.

Council Chair Rapozo: I appreciate your willingness to serve. Thank you.

Ms. Summers: Thank you.

Council Chair Rapozo: With that, can we have the next item, please?

CONSENT CALENDAR:

C 2018-164 Communication (06/13/2018) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Trinette P. Kauai to the Salary Commission – Term ending 12/31/2020.

C 2018-165 Communication (07/16/2018) from the Hawai'i State Association of Counties (HSAC) President, transmitting for Council approval, the nomination of Riki Hokama, Maui County Council, Western Interstate Region (WIR) Board member for Fiscal Year 2018-2019, pursuant to Section 5, Section 5A, and Section 5C of the Bylaws of the Hawai'i State Association of Counties, Inc.

C 2018-166 Communication (07/19/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal relating to the Mayoral appointment of Elesther Calipjo to serve on the Planning Commission, as Mr. Calipjo is a member of his immediate family.

C 2018-167 Communication (07/19/2018) from the Director of Finance, transmitting for Council information, the Period 12 Financial Reports – Statement of

Revenues, Statement of Expenditures and Encumbrances, Revenue Report, and Detailed Budget Report as of June 30, 2018, pursuant to Section 21 of Ordinance No. B-2017-821, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2017-2018.

Councilmember Kaneshiro moved to receive C 2018-164, C 2018-165, C 2018-166, and C 2018-167 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-164, C 2018-165, C 2018-166, and C 2018-167 for the record was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmembers Brun, Kagawa, and Kawakami were noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

COMMUNICATIONS:

C 2018-168 Communication (07/13/2018) from the Acting County Engineer, transmitting for Council consideration, amendments to Chapter 13, Kaua'i County Code 1987, as amended, relating to the Electrical Code for adoption of the National Electrical Code, 2017 Edition, as a standard for all electrical work and as an appropriate progression to adherence of current codes, while utilizing the latest technological advancements for safety of Kaua'i's residents and visitors.

Council Chair Rapozo: Can I have a motion to receive, please?

Councilmember Chock moved to receive C 2018-168 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any public testimony or discussion?
Proposed Draft Bill (No. 2717) will be coming up later.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-168 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmembers Brun, Kagawa, and Kawakami were noted as silent (not present), but shall be recorded as an affirmative for the motion*).

Council Chair Rapozo: Motion carried. Next item, please.

Councilmember Yukimura: Can we have the presentation now?

Council Chair Rapozo: Whatever you folks want. I am just moving on the agenda. If you want to do it now, we can do it now. Let us get Councilmember Kawakami and Councilmember Kagawa in here if we are going to have the discussion now. With that, let us go back to C 2018-168. I would ask that we wait for the other members and Councilmember Brun. Let us just take a short recess. I want to make sure everyone is here. Let us just do the caption right now, because I do not want to have to break up. Let us take ten (10) minutes. Sorry, gentlemen. I think they thought we were going to wait for the Bill. We will move forward on the Communication. With that, we will be back in ten (10) minutes at 9:45 a.m. Thank you.

There being no objections, the meeting recessed at 9:33 a.m.

The meeting reconvened at 9:45 a.m., and proceeded as follows:

(Councilmember Kagawa was noted as present; Councilmembers Brun and Kawakami were noted as not present.)

Council Chair Rapozo: I am not sure where the other Members are, but let us move forward. Thank you for your patience. Doug, I guess you have a presentation. You can go ahead and do the presentation. Thank you.

There being no objections, the rules were suspended.

LYLE TABATA, Acting County Engineer: Good morning Council Chair Rapozo and Members of the Council. We are here to present a bill, Bill No. 2717, to hopefully work towards adopting the Electrical Code. We have talked to various members of the industry and Doug has presented the Bill with the amendments that were discussed previously. I will turn it over to Doug to do the presentation. Thank you.

DOUGLAS HAIGH, Chief of Buildings Division: Good morning, Doug Haigh, Department of Public Works, Building Division. We want to present Bill No. 2717. This is a modification to our original bill to adopt the 2014 National Electrical Code (NEC).

(Councilmember Kawakami was noted as present.)

Mr. Haigh: We would like to jump forward to the 2017 National Electrical Code, and I will move forward and explain why. In our presentation, I will talk about the Code Review and amendment process, the significant changes, and support. Code Review and amendment process. First on the national-level, the National Electrical Code is reviewed on a National-level by a consensus standards development process with volunteers with varied viewpoints. So, you are getting contractors, engineers, and Code officials. Then, we do it on the State-level. We do have a State Building Code Council (SBCC), and one of their

chores of the Council is to keep the Hawai'i State Electrical Code updated and to provide Hawai'i amendments to the National Code.

The 2014 NEC, and the reason why we will be mentioning 2014 is because we are currently on the 2008 NEC. We are hoping to jump up to the most current Code and bypass the 2014 NEC. We did have quite a few meetings where we talked about the 2014 NEC and I will refer to some issues there as we go along. In the 2017 NEC, there were no amendments proposed at the State-level and it was discussed and approved at the SBCC meetings. These meeting include representatives of all four (4) Counties Building Code officials, contractors, design professionals, and Union representatives. The 2017 NEC is what the electricians in the State are being taught in their classes to maintain their licenses. We pretty much always get strong support from the Unions to get to the latest Codes so that the electricians are working on the Code that they are trained to. Formal adoption of the Code is scheduled for August 21, 2018. That is next week, Tuesday. The process of adopting State Codes has changed due to an opinion by the State Attorney General and the recent legislation that passed last legislative session. So, no longer are the State Building Codes required to go through the Administrative Rule process. Therefore, they get approved through the Building Code itself. After we had approved the 2017 NEC at the Council, we submitted it—we wanted to keep the same broad public process as much as we could to make sure we got a lot of input, just beyond our meetings, so we were hoping to be able to go through Small Business Review because that was part of the process for Administrative Rules. But they turned us down because they are assigned only to review administrative rules. I think it was a month or so ago that they turned us down, and so to move forward, what we are going to do is have one (1) more meeting and we have put it on the agenda that we are going to formally adopt the Code. At that time at that meeting, that is when the Code will be adopted, and then the County will have two (2) years from that date to adopt it or go with what the State Code. As I mentioned, there are no amendments in the State Electrical Code. It is just because everyone accepts the National Code. What we have done in the 2014 NEC is we made amendments for interim Code items that have been approved and put them in the Code. But this time go around, we said that is not really necessary because the interims happen periodically and you will never catch up. The Building officials have the option of looking at those interim amendments and considering them in review of electrical permits if there are important issues on the interim amendments. That is the State-level.

Councilmember Yukimura: When you talk about adoption, it is by the State Council?

Mr. Haigh: Yes, it will be adopted next week, assuming, and I am pretty sure all of the votes are there—then that will be the official date of the State Electrical Code.

Councilmember Yukimura: Okay.

Mr. Haigh: Since it is not Administrative Rules, there is no longer a Governor's signature to the Code. It is an action by the Council, and the State Attorney General made the determination that that is appropriate to how the original bill was written. Okay. We prepared a draft bill based on the proposed State Electrical Code with minor administrative changes that were discussed for the

previous 2014 NEC adoption. It is a very short bill, and I have a slide at the end where I talk about the minor administrative change, and we will get to that. We did distribute the administrative change—well actually, it happened here at Council. The various stakeholders saw those administrative changes and we worked with the electrical contractors and the Unions on the language that we came up with because there was a little bit of controversy, but everyone had accepted the final language we came up with, which was actually a floor amendment for the 2014 NEC adoption. Then, the changes were made in response to comments.

The significant changes from the 2008 to the 2017, they are primarily technical. A key item that engineers and solar energy contractors are asking for is the added new section for energy storage systems. Technology has changed a lot in the solar industry and in the electrical industrial since 2008, so this allows current projects to follow current standards appropriately. Then, there is requiring separate circuit and ground-fault circuit interrupter (GFCI) protection for dishwashers. That was a change in the 2014 NEC. Added circuit for single outlet in garage and one (1) outlet per vehicle bay. They require a single outlet, twenty (20) ampere (amp) outlet. The intent was to provide for tools. If someone is going to be in their garage and running a tool, you want to have a single circuit to run that tool. So that is the reason why they put that in. Then, they added one (1) outlet per bay. It used to be that you would just have one (1) outlet. Now, they have added another outlet. Then, GFCI and arc-fault circuit interrupter (AFCI) protection for kitchens and laundry areas. This is life safety. GFCI is ground-fault circuit interruption. That is protection to save lives from electrocution. That is the purpose of the ground-fault circuit interrupter, so that your electricity stops before the electricity passes through you, into the ground, and electrocutes you. So, that is why you have it in wet areas and outside. That is what that is for. AFCI is arc-fault circuit interrupter. That is there to primarily prevent fires, because it stops the arcing action that would happen in an outlet if there is a loose connection. Typically, it would kind of a loose connection over time. Sometimes your electrical connections get loose and then it starts arcing, and that arcing creates a spark, heat, and can create fires. My father's house had a major kitchen fire many years ago, and it was that type of fire. It was caused by an outlet that had arced, so I have personal experience of the need for this. That is why we have seen a great increase in the increase of arc-fault circuit interrupters. They were pretty prevalent in 2008 NEC, but then in 2014 NEC and 2017 NEC, we increased the requirement a little bit. Primarily, it was for kitchens and laundry areas where they added the arc-fault circuit interrupters.

Impact to housing costs. I have estimated and I had my electrical inspectors reviewed it yesterday, my estimate was about five hundred fifty dollars (\$550). I am throwing a five hundred dollar (\$500) to seven hundred dollar (\$700) range. The big cost items is the garage because to add the protection is not that expensive anymore, because you are paying thirty-five dollars (\$35) for an arc-fault breaker compared to five dollars (\$5) for a regular breaker where that is thirty dollars (\$30) for the breaker. Also, the electricians have gotten smart in how they do the work because what they can do is for a circuit that needs arc-fault circuit interrupter or GFCI, they can put the first receptacle in that circuit, put the control in the receptacle, and then tie the rest of the outlets to that. So, you are just paying for one (1) special receptacle, which the cost for those is maybe twenty dollars (\$20). The cost to provide the increased protection is fairly small. Where you get costs is where you have to provide a whole new circuit because then, you have to provide the breaker, the wiring, and the outlet.

Really, it is the garage where we added the added outlet for tools and we added the added outlet for each vehicle bay. Now, it used to be that low-income housing did not have garages. We just built houses and we parked outside. That was low-income housing. It used to only be high-end housing that had garages. Now times have changed and you are seeing garages pretty prevalent. I know Habitat for Humanity, we do a little low-income housing and we do not put garages. So, the impact to your low-income housing should be minimal because a lot of the low-income housing does not have garages. But that is...

Council Chair Rapozo: I have a really quick question.

Mr. Haigh: Yes.

Council Chair Rapozo: It says one (1) per vehicle bay.

Mr. Haigh: Yes.

Council Chair Rapozo: Would a carport be considered a vehicle bay?

Mr. Haigh: Yes. If the size of the carport—we have not really sat down and interpreted that within the inspectors, but if there are two (2) parking spots, then it would be two (2) bays. Now, a carport, which is open, I think—oh, so it would not be required for a carport.

Council Chair Rapozo: It would not be?

Mr. Haigh: Yes.

Council Chair Rapozo: Okay.

Mr. Haigh: I am good then. My house has a carport.

Council Chair Rapozo: And you are saying it is for tools, but is it for tools or for electric vehicles?

Mr. Haigh: It is for tools. That is what the justification is, right, Leo?

LEOLYNNE ESCALONA, Supervising Building Inspector: Good morning, Council Chair Rapozo and Members of the Council. Leolynne Escalona, Code Enforcement Officer. In response to your question regarding the vehicle bay, it is one (1) receptacle for every vehicle that is parked. So if you have a two (2) car garage, it would be two (2) outlets.

Council Chair Rapozo: Right, but the justification was for tools.

Mr. Haigh: The added...

Ms. Escalona: There is an added twenty (20) amp outlet that would be for your tools.

Council Chair Rapozo: Right.

Ms. Escalona: That would be in addition to the vehicle bays.

Council Chair Rapozo: It just seems awkward. I do not even see the relevance to a vehicle bay and tools. I just do not. I just do not see where the nexus is. What does a carport or a vehicle bay have to do with tools, and what kinds of tools are you talking about that requires a twenty (20) amp?

Ms. Escalona: Power tools.

(Councilmember Kagawa was noted as present.)

Ms. Escalona: Typically, if you use a fifteen (15) amp, it might trip, which is why you would want the twenty (20) amp outlet.

Councilmember Kagawa: For power tools?

Ms. Escalona: Yes, for power tools.

Council Chair Rapozo: Okay.

Councilmember Kaneshiro: My question is on the outlets for vehicles, what is the just case for that?

Mr. Haigh: Probably to minimize use of extension cords and whatnot when you are cleaning your cars and convenience. We were not part of those discussions, so I am not sure exactly how the National group came to the justification. But we are assuming for the ease of working on your cars, cleaning, vacuuming, and that sort of thing.

Council Chair Rapozo: Does an electric car charger require a twenty (20) amp outlet?

Mr. Haigh: It would require more.

Council Chair Rapozo: More?

Mr. Haigh: What our understanding is the minimum we were looking at in the Energy Code was a thirty-five (35) amp outlet that would be appropriate.

Council Chair Rapozo: Okay. That just seems interesting.
Councilmember Kagawa.

Councilmember Kagawa: I can see if you have a person that is going to be maybe vacuuming the car and another one is going to be cutting wood while he is fixing his house. I would think that the same person vacuuming is the same person who is going to use the power tool. For me, it is kind of going overboard with the outlets. The impact to housing costs, five hundred dollars (\$500) to seven hundred dollars (\$700), is that materials?

Mr. Haigh: Material and labor.

Councilmember Kagawa: Materials and labor?

Mr. Haigh: When we are adding the added protection, it is just material because it takes the same labor to put in the GFCI or the arc-fault circuit interrupter and outlets as it does a regular outlet. Those items were just material. That is why I am saying they are pretty minor. But once you get into labor of adding a new circuit, then you are getting into the more significant costs.

Councilmember Kagawa: Yes, because with a new circuit, you have to pull more wires through the studs.

Mr. Haigh: Yes.

Ms. Escalona: Yes.

Councilmember Kagawa: And drywall. To me, five hundred dollars (\$500) to seven hundred dollars (\$700) seems kind of low. I think I see about two (2) or three (3) people changing their lights in here from the County. They take a couple hours or something, and that is five hundred dollars (\$500) right there just to change light bulbs. I think we are underestimating the cost of electricians and plumbers. They do not work for ten dollars (\$10) an hour. They are at sixty dollars (\$60), eighty dollars (\$80), or one hundred dollars (\$100) an hour. We have to be real with these costs, and that is the problem we had with the Energy Code, where your estimate came in at one thousand one hundred dollars (\$1,100) and Karen's estimate came in at nine thousand five hundred (\$9,500). The two (2) figures are not close. I wonder what Karen is going to say. She is not using big contractors or information from Richard Jose who works with large construction projects. She deals with the small contractors, the ones that cannot—that do not have time to attend these Building Council Meetings because they are small contractors. The small contractors have to work. They do not survive being a small contractor and can attend State Building meetings. Those are the people that I am worried about when we say, "What is the cost to the middle-class and poor local families?" Who is going to fix their house? The small contractors, and that is why I always wanted to get what the real cost was that is it going to cost. At the end of the day, maybe we can say, "Well, this one is only two thousand five hundred dollars (\$2,500). Maybe it is a little more than five hundred dollars (\$500)." But when you add this, the Energy Code, and then you add the Plumbing Code, wow, before you know it, you are adding twenty thousand dollars (\$20,000) to the cost just like this. It is concerning. Of course, safety is a big word. The trade that they are currently learning is important, but for me, the cost—if it is optional, you can voluntarily do it, just like what I was saying about 7-Eleven. They bought Matsuura Store, voluntarily put in the electric GFCI outlets, they voluntarily did it, and what happened? They had problems with their refrigerators and their freal machine because they were all tripping. It was tripping for safety, but while it was tripping, they are losing big money because all of their food spoiled. At some point, I am thinking if we have figured out that balance between what is going to be reasonable to the businesses and the homeowners, because perhaps it is too safe, it trips too fast, and the businesses will lose money like how 7-Eleven lost money.

Mr. Haigh: Just one (1) thing. I want to back up a little bit. One item I forget to mention that was the added cost was the single circuit for the dishwasher. That was a change that added a circuit, too. Everything else was in the garage. On the 7-Eleven one, that was actually a mistake by the electricians. It was not him going better. Well, he thought it was better, but it was not related to the Code at all.

Councilmember Kagawa: Oh, it was not related to the Code?

Mr. Haigh: No. The Code did not require and still does not require it. So it was a mistake by the electrician thinking he was doing better and not realizing that he was creating a problem.

Councilmember Kagawa: The story I heard was that he was using the recommended new Code GFCI, which is going to trip faster because it trips, like you said, whenever there is a spark.

Mr. Haigh: No. That was not a Code requirement, it is not part of the 2014 NEC, and it is not part 2017 NEC.

Councilmember Kagawa: So, it is not related to this?

Mr. Haigh: And on the drawings he had, it was not shown as such. It really was...

Councilmember Kagawa: The electrician's call that made a mistake.

Mr. Haigh: The electrician made a mistake.

Councilmember Kagawa: The second question I got is City and County of Honolulu just experienced the Marco Polo fire, right?

Mr. Haigh: Yes.

Councilmember Kagawa: It was tragic. Huge. Are they moving on this in the name of safety? Are they moving on the 2017 NEC?

Mr. Haigh: I believe they are going to jump to the 2017 NEC also. I know they were working on the 2014 NEC, but I would have to get back to you on that.

Councilmember Kagawa: Can you check on that, because I am curious before the next Committee Meeting, because I would think with Marco Polo fire happening, they do not even know what the cause was till today.

Mr. Haigh: I do know on that fire, there really...

Councilmember Kagawa: They know the cause of why it spread, but they do not know why it initially started because of an electrical means of what have you. I am thinking, wow, that happened there, so why would they not already adopt the 2017 NEC?

Mr. Tabata: Councilmember Kagawa, in the event that this Code change does pass in the coming weeks, in two (2) years, it has to be adopted retroactively. We want to head off by inputting our own special amendments and changes that suit our island.

Councilmember Kagawa: Okay. So we did those amendments?

Mr. Tabata: And that is what we have believe we have done to help the situation.

Councilmember Kagawa: Okay. So could we further amend it?

Mr. Haigh: Well, absolutely. We have gone in with the Code as-is, we pointed out to you where we believe the cost items are, and it is fully within the Council's purview to review and to amend.

Councilmember Kagawa: Okay.

Mr. Haigh: If the added circuit for the dishwasher is a cost item. The added circuits for the garage, those are the bigger-cost items. That is part of your review, if you feel that those items—I would not at all recommend reducing the safety items. But these other items, the dishwasher can kind of be considered safety or not. I know our inspectors say, "Yes, if I was building my house, I would do a separate circuit." But there are people out there who do not. To save money, they keep it on the same circuit as your outlets.

Councilmember Kagawa: The thing is that it was in for the reason that—that is why Council Chair Rapozo and Councilmember Kaneshiro asked the same thing, why do we need to two (2)? There must be a clear underlying reasons. Like I said, I only have one (1) outlet there. If my contractor is working on the house using that outlet, I am not going to be vacuuming the car. I am going to be watching him and see if he needs anything. It is not a commercial garage. Do you know what I mean? We are not cutting with two (2) saws.

Mr. Haigh: But existing outlets are fifteen (15) amps. The electric motors that are used for table saws, chop saws, and that type of equipment tend to trip at fifteen (15) amps. My wife set up a workshop her workshop in retirement and she is always tripping the breaker and complaining to me, because when she runs the table saw or plainer, that type of motor can tend to draw in a way that trips because it is fifteen (15) amps.

Councilmember Kagawa: I understand that.

Mr. Haigh: So if you are going to be looking at those kinds of tools, the twenty (20) amp is definitely the way go, and you need to do it at the beginning because you are going to have to have the right wire size.

Councilmember Kagawa: Yes, of course. I am not saying not that we do not need the twenty (20) amp. I am saying, do we need two (2) in the garage?

Mr. Haigh: Yes.

Councilmember Kagawa: Even the power saw draws a lot of energy. It is amazing how it can trip it. But what I am saying is, do we need two (2)? I have not that answer that, yes, we need two (2) because most houses, there are two (2) people vacuuming their cars at the same time or whatever.

Mr. Haigh: Well, there is one (1) per vehicle and probably one (1) of the vehicle ones could be one of the single twenty (20) amp circuit.

Councilmember Kagawa: Okay.

Mr. Haigh: So, you could combine it so that you are only adding one (1) new outlet. See, the thing is that two (2) outlets can be the same circuit, but you are required to have an outlet in the garage that has a single circuit.

Councilmember Kagawa: Alright.

Mr. Haigh: So you could substitute that for the added outlet.

Councilmember Kagawa: Did Don Lutao sit in on any of these meetings?

Mr. Haigh: Typically, we do not review this Electrical Code with a task force.

Councilmember Kagawa: The Electrical Code is a little different?

Mr. Haigh: Yes.

Councilmember Kagawa: We just used the professionals, the Board, and the Union?

Mr. Haigh: Yes.

Ms. Escalona: Yes.

Councilmember Kagawa: Alright. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Without question, the GFCI and AFCI protection protects life and against fires. That is kind of a no-brainer. The added circuit for the single outlet in the garage and one (1) outlet per vehicle bay, so right now, do they require any circuit?

Mr. Haigh: Well, you are required to have one (1) outlet in the garage.

Councilmember Yukimura: Is that a circuit?

Mr. Haigh: Yes, it is a GFCI outlet. So, you are required to have one (1) GFCI outlet in the garage per the 2008 National Electrical Code.

Councilmember Yukimura: Okay. Now, you will have to have two (2).

Mr. Haigh: Two (2).

Ms. Escalona: Two (2).

Councilmember Yukimura: When you say "added circuit for single outlet," that is already required. The one (1) circuit in order to get the one...

Mr. Haigh: Well actually, the outlet in the garage could be tied to another circuit, could it not?

Ms. Escalona: Yes.

Mr. Haigh: Yes. In the current Code, it does not have to be a single circuit. It could be tied to another circuit somewhere else.

Councilmember Yukimura: I see. So that is, in fact, an addition that is being required, a single circuit in the garage?

Mr. Haigh: Right.

Councilmember Yukimura: And two (2) outlets.

Mr. Haigh: Right, and like I said, you could add that second outlet as the single circuit outlet. So you are not having to add another outlet.

Councilmember Yukimura: Okay.

Mr. Haigh: Just the single circuit outlet. So, you do not have to have two (2) outlets. You could do just one (1) single circuit outlet in addition to the current outlet required.

Councilmember Yukimura: And if you have just a single bay garage...

Mr. Haigh: Then you just have a—it would have to be a single circuit outlet.

Councilmember Yukimura: Yes.

Mr. Haigh: So that would be the change.

Councilmember Yukimura: Okay.

Mr. Haigh: If you had a single bay garage, now, that outlet could be tied to some other circuit or other outlet somewhere else.

Councilmember Yukimura: Okay, and arguably if you have another car or you are building for another car, you have the wherewithal to put in the second outlet?

(Councilmember Kagawa was noted as not present.)

Mr. Haigh: I will not talk on people's economic decisions.

Councilmember Yukimura: Okay. Anyway, one of the reasons, arguably that it is per vehicle bay, is that tells you the size of the garage?

Mr. Haigh: It could be.

Councilmember Yukimura: I know someone who has a four-car garage, and that is what is required. Why is it required again? Per—the bay, because of the vacuum cleaner?

Mr. Haigh: Well, we are assuming that is the reasoning.

Councilmember Yukimura: Can you find out what it is?

Mr. Haigh: Did you talk to Tim at all?

Ms. Escalona: No, I did not.

Mr. Haigh: Yes, we can research that.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: For me, it is only on first reading. I would be interested to know if we just amend it and say that one (1) outlet is required at the twenty (20) amps and then it is optional if someone wants to add more outlets based on how many cars they have, or something. I do not know. I do not know why we would be requiring all of these things besides saying, after-the-fact, someone wants an extra outlet, and then they well say, "Oh, shucks. Why did I not put in another outlet when I was building my garage?" It is almost like—I do not know. I think we are going too far on the design and requiring all of these outlets for these people. It should be up to the homeowner on how many outlets they want in their garage. But I will take your direction on what is absolutely necessary. I do not care if they have an outlet or not. If later on they feel like they should have put an outlet, then that is the homeowner's fault. I do not want to be requiring outlets all over the place and they are not even going to use it.

Mr. Tabata: Councilmembers, if I can try to explain. A lot of the changes in any of these Building, Plumbing, or Electrical Codes result from findings by insurance companies of fatalities, house fires, et cetera. They singled out the rationale or the reasons of the source of these incidents. The changes they make in these Codes basically, are ultimately for health and safety. It is not just an arbitrary thing. I guess we can go research more, but I will tell you in my own home, I got a compressor hooked up, a drill press, and a wet/dry vacuum for when I run the

drill press and table saw to remove the dust or chips that occur from doing work. Those are multiple pieces of equipment going at the same time. Ultimately, it would behoove me, yes, because as Doug said, these thing trips depending on the load you place on them, to separate the circuits because right now, if the circuit that I have trips, my freezer in the garage dies also. When you look and start counting how many implements you have plugged into a single circuit, these are the reasons for separating them out. When have you have a trip for any reason, there is a problem. I believe that is the rationale for many of these changes.

Council Chair Rapozo: Right, but nothing prohibits you from doing that today.

Mr. Tabata: Exactly.

Council Chair Rapozo: I do not have a freezer in my garage. I do not have a drill press.

Mr. Tabata: The Codes are for primarily, new installation when you build a new home, because they have found these kinds of incidents have occurred.

Council Chair Rapozo: My question is, and the stakeholders you have are the electrical contractors, the Unions, Contractors Association, and the General Contractor Association. Is there anyone from the consumer side that sits in these meetings and says, "Whoa, that might be cost prohibitive"? Everyone here makes money from any change that increases the need. Is there anyone in these stakeholder groups that speak for the consumer?

Mr. Haigh: We have had individuals come to the meetings. The meetings are open. They are publicly announced.

Council Chair Rapozo: No, I am talking about people from the public. I am talking about a seat on that table for consumer protection or consumer advocacy groups that would have to chime in.

Mr. Haigh: We have of the Business Industry Association of Hawai'i (BIA), but that is not who you are looking for.

Council Chair Rapozo: No, that is not.

Mr. Haigh: The Small Business Association...

Council Chair Rapozo: That is not. I am talking about a consumer advocacy group that can speak for the consumer, like someone that does not need all of these additional—I understand the safety things. That is perfectly fine. But my house is fifty (50) years old. I have a carport, we have one (1) plug or outlet, and I have never tripped using a vacuum or anything that I do at home. I have never tripped the circuit. Now, if you have a two-car garage, you have to one (1) circuit with two (2) outlets. I think that is kind of overkill for the person that—and I disagree with Councilmember Yukimura that just because you build a new house means that you have with wherewithal. That not true. Some of these people are barely making their

mortgage applications with the cost. In fact, some of them are being stretched, so any additional amount is detrimental or could be detrimental. I would agree with Councilmember Kagawa that five hundred dollars (\$500) to seven hundred dollars (\$700) for an entirely new circuit in a house seems kind of low. I do not know. We will follow-up on that. Really, there is no consumer advocacy people in the stakeholder group?

Mr. Haigh: I guess you folks, the Council, you are your consumer advocates.

Council Chair Rapozo: Okay. I got it.

Mr. Haigh: We do not know of any consumer advocacy group in State that has given interest in participating, but the meetings are open.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Council Chair Rapozo, I was not saying that I agree with the rationale. I was just trying to understand what the rationale is. Because it is one (1) outlet per vehicle, I was thinking that well, the assumption is that you do have the wherewithal. I think this can all be settled just by finding out what the rationale was in putting it in. If you could just find out, because it had to have some reason. If it is related to safety or even if it is related to convenience that then we weighed the cost versus—I mean, when it is safety versus cost, I think, of course, the advantage is for safety. If it is just convenience, then the cost factor weighs more heavily. If we could just see if there was a rationale, which I believe for every proposed amendment, there usually is a rationale.

Mr. Haigh: Okay.

Councilmember Yukimura: That would be help.

Mr. Haigh: Okay.

Councilmember Yukimura: Thank you.

Mr. Haigh: And we will assume that will be a communication to follow-up on that. I want to also apologize for our response to the earlier communication. In my haste to get an answer, I did the changes from the 2014 NEC to the 2017 NEC, not the 2008 NEC to 2017 NEC. That is why the numbers you are seeing here presented today are different than the numbers in the response we provided to Council. I apologize for that or any confusion associated with that.

Council Chair Rapozo: Okay. I apologize that I interrupted your presentation, but I wanted to get that clarification. I know you have two (2) more slides, if you want to finish up.

Mr. Haigh: Yes. Support; Union, National Fire Protection Association, and Hawai'i Solar Energy Association. Those are the major supporters of moving forward with the new Code. The Code is actually associated

with the NFPA, the National Fire Protection Association. This explains really, the only local amendment we have in this Bill, is we deleted redundant language in Section 13-2.3 because it was already covered in Section 13-1.3. So that is the reason why in the Bill itself, and this is item number 1 in the Bill, that is the reason why we made that change. Like I mentioned before, it was a floor amendment to the 2014 NEC and my memory is that was very well-vetted and so that is why we are moving forward with it. I would like to thank you for the opportunity to present the Bill.

Council Chair Rapozo: Thank you. I have a technical question, because you are saying that the State is set to adopt the Code on August 21st.

Mr. Haigh: That is correct.

Council Chair Rapozo: What are we operating off of, because I do not have a copy of the Bill here? Right now, the Bill that is being introduced today, is it pre-2017?

Mr. Haigh: The Bill presented today is the 2017 NEC and currently, the State Building Code, Electrical Code, is the 2014 NEC. That is my first slide and was adopted by Administrative Rules, it will be one last Codes adopted by Administrative Rules, on February 3, 2017. That is on slide 4.

Council Chair Rapozo: Right, that is the 2014 NEC?

Mr. Haigh: The 2014 NEC was adopted February 3, 2017 and the 2017 NEC is going to be adopted on August 21, 2018.

Council Chair Rapozo: Right, so it has not been adopted?

Mr. Haigh: It has not.

Council Chair Rapozo: My question is a technical question, what version are we trying to adopt today?

Mr. Haigh: The one that they will be adopting next week.

Council Chair Rapozo: We cannot adopt or approve the adoption of a Bill that has not been adopted.

Mr. Haigh: We can adopt the National Code ahead of the State Building Code Council, if we so choose.

Council Chair Rapozo: Yes, but everything in the—I am talking about the one being introduced today that is on the floor today.

Mr. Haigh: Correct.

Council Chair Rapozo: Is it the National Code?

Mr. Haigh: It is the National Code.

Council Chair Rapozo: It is not the State Code?

Mr. Haigh: No. We do not...

Council Chair Rapozo: All of these amendments are not—I am under the impression that all of the amendments we are talking about was inputted by the State.

Mr. Haigh: No.

Council Chair Rapozo: So we are adopting the National Code?

Mr. Haigh: Yes, that is correct.

Council Chair Rapozo: Okay.

Mr. Haigh: That is how we have done all of your Building Codes. We get the State amendment and we massage them, we go through our task force, we look at what is Kaua'i appropriate, we come to Council, we get further input, we possibly have further changes, and we come up with a final Building Code that is the County of Kaua'i's Building Code. The State law was written specifically to give us the power to amend the Code as we wanted to.

Council Chair Rapozo: Okay.

Mr. Haigh: We do not adopt the State Code. We adopt the National Code that the State Code adopted, and our requirement is if where we do not adopt the National Code with our local amendments two (2) years after the State adopts it, then it automatically becomes enforceable and we are required to enforce it.

Council Chair Rapozo: I got it. Thank you. Are there any other questions? Thank you for that presentation.

Mr. Haigh: You are welcome.

Council Chair Rapozo: Is there anyone in the audience wishing to testify? Seeing none, I will call the meeting back to order.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? This is the Communication. The motion is to receive.

The motion to receive C 2018-168 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmembers Brun and Kagawa were noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Thank you. Next item, please.

C 2018-169 Communication (07/13/2018) from the Director of Finance, requesting Council approval to apply for, receive, and expend Federal Emergency Management Agency (FEMA) funding (total as of July 13, 2018 was \$22,679,114.00), for disaster related costs due to the April 2018 flooding event: Councilmember Kawakami moved to approve C 2018-169, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. With that, I will suspend the rules. With that, Ken.

There being no objections, the rules were suspended.

KEN M. SHIMONISHI, Director of Finance: *Aloha* Council Chair Rapozo and Councilmembers. Ken Shimonishi, Director of Finance. I have two (2) short presentations to go over primarily related to the request from Council Chair Rapozo. The first request related to how we are expending moneys or basically, a breakdown of the contractors being used on the various projects. Then also, the legend for the different Federal Emergency Management Agency (FEMA) category codes. On page 1 of the presentation that is entitled "Project Summary as of 08/04/2018." Again, you see how we have our County funding that was provided by the Council. The expenditures that sit in that project is currently roughly seven hundred eighty-nine thousand dollars (\$789,000). We have been moving expenses that we have been recording into the other projects as we get these other projects set up to be submitted to FEMA, and that is where we are now utilizing the State twenty-five million dollar (\$25,000,000) fund that was provided to the County. Again overall, you can see the different projects that are being established; Kaua'i Emergency Management Agency (KEMA) Emergency Response; Damage Equipment for KEMA, Fire, Police, so on; and the various parks. At the bottom of that section is the Undesignated State Funding of ten million two hundred thousand dollars (\$10,200,000). Basically, that is what we have not assigned yet of the twenty-five million dollars (\$25,000,000). Again, this is just a project overview of all of the things that we identify as flood-related as of this time. More projects are yet to be established.

Page 2 shows the expenditure description by the project or the vendors/contractors used by the project. The first few projects—and projects are just highlighted in alternating colors to represent the separation of projects. The first couple of projects are Emergency Management Agency, and these are just expenses that were previously recorded in the County's generic RAIN18 project that we are moving out of and into these areas. If you go down and look at the RAIN18 project code, you can see the list of contractors that we have used in our emergency response, and these are sorted in descending order where we have expended the most funds to or/and encumbrances total for these contractors. The first contractor there is Pacific Concrete, Cutting, & Coring, Inc; then Samuel K. Thronas Construction, Inc.; The Miranda Group, Inc.; DKM & Associates, LLC; and so on. This is how funds were expended from the RAIN18, the initial five million dollars (\$5,000,000).

Continuing on page 3, again, we just show that the various entries that we are posting against the projects. Then, you can see now in the middle of the page, project

code W18025 Black Pot Beach Restoration. We have two (2) contractors identified in there where we have Earthworks Pacific, Inc. and encumbrances of four hundred seventy-five thousand dollars (\$475,000), Bowers & Kubota Consulting of one hundred forty-four dollars (\$144,000) also funds that we have encumbered but not yet expended. The next project we see is the Wainiha Powerhouse Road and again, the vendors that we have expended moneys directly to in that section are Samuel K. Thronas Construction; Pacific Concrete, Cutting, & Coring, Inc., The Miranda Group, Inc., and Underground Bobcat & Truck Service. That gives you details of how the vendors are speared within the projects that we have established.

On page 4, this further breaks out that RAIN18 project where we utilize the vendors, how we are further then going to move these costs out into the different projects. You can see the Anahola/Keapana Debris removal. Those costs from Kaua'i Trucking, LLC and Pacific Concrete, Cutting, & Coring, Inc. will then be shifted out of that RAIN18 project into these new projects that we get established. We have Black Pot/Weke Debris and again, Pacific Concrete, Cutting, & Coring, Inc., and so on. This would give you further detail of how those vendors that were identified in the RAIN18 project code will now be shifted out into these various other projects. That is on page 4 and 5.

Then on Page 6, is the outstanding encumbrances based on the project code, the vendor, and where we are going to apply the encumbrances to. On the first RAIN18 code we see Bacon Universal Company, three thousand nine hundred fifty-eight dollars (\$3,958) that is actually related to the Wainiha/Hā'ena Debris Removal. Again, Bacon Universal Company, nine thousand dollars (\$9,000), Wainiha/Hā'ena Debris Removal. DKM & Associates, LLC, and so on. You can see that these are still costs to be incurred and to be recorded in the various individual projects. Then on the bottom, again, those encumbrances directly related are recorded in those projects for Black Pot Beach Restoration; Bowers & Kubota Consulting and Earthworks Pacific, Inc., as previously identified.

Finally page 7 is the FEMA categories of when we included the damage report and it was Category B, Emergency Protective Measures. If it was related to roads, Category C; parks, Category G; and so on. These codes are included with the subsequent report of the actual projects that we export from FEMA, but on the initial damage report, it was just listed as an alphabetical code. This is the legend that corresponds to that.

Council Chair Rapozo: Ken, something stands out on page 6. KEMA Damage Equipment Supplies. It is over seventy-five thousand dollars (\$75,000). What did we get damaged? Is that equipment? I know this Thunderbird Communication, did we suffer damage in the flood?

ELTON S. USHIO, Emergency Management Administrator: Elton Ushio, Emergency Management Administrator. Council Chair Rapozo, our radio tower site at Kalepa, took a lightning strike. The site was able to continue functioning, but it damaged several components.

Council Chair Rapozo: And does that qualify?

Mr. Ushio: Yes, for FEMA.

Council Chair Rapozo:
questions? Councilmember Chock.

Okay. Thank you. Are there any other

Councilmember Chock: Thank you. I know that there was some initial work done by the community on the State roads. Was that overlap on any of the County's project that the community actually led initially? Is it reflected here?

Mr. Shimonishi: Not that I am aware of. Again, these are just all of the contractors that we have in the system that we have either encumbered money for or paid to. If they are not on there, the community members, maybe we do not have them as an actual vendor or there is no actual agreement. I know there was some back and forth on that of people saying, "I am owed money" or something.

Councilmember Chock: Right.

Mr. Shimonishi: I think we need to further look at that and actually get the real, I guess, reasons behind the...

Councilmember Chock: As far as you know, none?

Mr. Shimonishi: Yes.

Councilmember Chock: From the County's side?

Mr. Shimonishi: Right.

Councilmember Chock: Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: That was my question, also. What would be helpful that is not on the sheets are the dates of the work, because I think the work that the community did was immediately before the official first-responders were even able to get over there. I was looking for dates to see if those initial days were covered, which would be the 16th and 17th of April, if I recall correctly—16th, 17th, and 18th. I do not know when these contractors here started their work, but I am sure it took some time to mobilize them, both in terms of agreements, scope of work, and so forth. Are there dates associated with this work?

Mr. Shimonishi: Yes, that would entail us having to go through the actual supporting documents, invoice data, and that is a little more involved. I am not that we cannot do it, but this was more of an attempt to just pull data that we have readily available off of the system and how we could present it in an executive style format that is easy to look at.

Councilmember Yukimura: Right, and what you have done here is helpful. Do you have a time scenario of what happened? I remember, Elton, you saying, all of us, in terms of not understanding what happened overnight and thinking you were responding to something, and then you found out what had actually happened. In terms of, okay so the event happened on the 15th or was it the night of the 14th? Then, who was on the streets, who was doing what on the 15th and

the 16th, and then when did the debris contractors start working? That would give us some idea of what the work was done and who did what. At least for me, who was not there and who is only you now getting the cry for help from citizens who feel that they put in work, but have not been paid. I think it is going to take some reconstruction of what happened.

Mr. Ushio: From an Emergency Operations Center (EOC) perspective, we have what we call an Incident Action Plan (IAP), which details various objectives for each operational period, which would be a day; what assets we had out doing what tasks; and what have you. It would not go down to the individual contractor level. That would be additional work that we would have to pull from the supporting data, but we do have an IAP for all, but the initial operation period.

Councilmember Yukimura: IED?

Mr. Ushio: IAP, Incident Action Plan.

Councilmember Yukimura: Incident Action Plan, IAP.

Mr. Ushio: Yes.

Councilmember Yukimura: Okay. I know you would have to rely on the documentation of the citizens who were involved in the response, their equipment, the date, the estimated hours, and all of that in order to reimburse them, right? There are statements that the request came from the Mayor, and I do not know all of the details after that. I do know from all of the stories that came forth that there was a lot of work done by citizens in the area with equipment that was in the area, and that it was extremely helpful to...it might have even saved some lives. I was told some documentation was submitted, but I do not know and I do not have copies of that documentation that was submitted or when that happened.

Council Chair Rapozo: Does anyone know anything about that? If you have an answer, that is fine. If not, that is fine too. We can send it over.

Councilmember Yukimura: Do you have something to add?

MIKE SMITH, Hawai'i Emergency Management (HI-EMA): Mike Smith from HI-EMA. We have had several different private nonprofits doing the work for immediacy right after the storm. A couple standout. You brought them up at the last Council Meeting that I attended here, one was the Young Men's Christian Association (YMCA). They had done immediate provisions of allowing the United States Department of Defense (DoD) to come inland and provide emergency relief to community up in Hanalei. That request from them for funding for the rent of their facilities and for damages that were caused by the DoD helicopters has been...

Councilmember Yukimura: Submitted?

Mr. Smith: ...submitted to the County and to HI-EMA for reimbursement. It is ongoing right now, so they should be receiving something.

Councilmember Yukimura: Going through the process?

Mr. Smith: In the process, yes.

Council Chair Rapozo: Councilmember Yukimura is talking about the others. We spoke of the YMCA last week.

Mr. Smith: Right.

Council Chair Rapozo: But we are talking about the others who have been coming forward and saying, "Hey, the Mayor told me to go clear out this thing and how do I get paid?" That is what she is asking. If anyone has any information on the status of those claims, if you will, because we have not received any claims.

Mr. Smith: I can add in with regard to the Haraguchi Rice Mill as well. That has been ongoing. They submitted a cost estimate that they have incurred approximately nine thousand dollars (\$9,000) for their emergency relief work of protecting the Hanalei River in a certain area owned by the Department of Land and Natural Resources (DLNR). There was emergency work for them to try to, I guess, protect the river and allow the stream to flow through down the river in an emergency way, as it was damaged by the sudden storm that had created a new outlet, a new stream, so to speak. They protected that by going in with excavators and putting in large rocks and basically, repairing the side of the stream bank at that point. This was on DLNR land. We have gotten notification by DLNR that at the point of breach where this took place and incidentally, it was right at the same location as a three million dollar (\$3,000,000) project about three (3) or four (4) years ago to reinforce that specific location, that DLNR does not have any intentions of making those repairs.

Council Chair Rapozo: The question was directed to the County.

Mr. Smith: Okay.

Council Chair Rapozo: I appreciate you coming up, but I think we all understand and have heard from different members of the community that responded and are wondering if they are going to get paid. At the last meeting, I specifically said, "Let us inform them to file a claim the proper way so we can process the claim before the time expires." Correct me if I am wrong, Councilmember Yukimura, I think that is what you are asking. I do not think we need to be talking about specific people, but just in general, how are we handling those requests for compensation? Councilmember Kawakami.

Councilmember Kawakami: From what I saw initially, when that flooding event happened, a big huge chunk of the work that was being done by the community was on the highway to re-open access to the highway. I am not sure if these individual community members are asking for reimbursement on work done on our County roads or County property, or if it is State highways, because I do know the initial meeting down at Hā'ena when Department of Transportation (DOT) and the County Departments all went out, Ed Sniffin from DOT said that they were going to reimburse those community members that responded initially, to open up the highway and whatever work that was done. Those were the bulk of those local

community members that I saw firsthand working. It was on that highway area. So those are two (2) different things, right, because State DOT takes care of their own bills, right? I am not sure if these community members are confusing County projects with State projects and asking the wrong level of government on getting reimbursed. I do not know what they did on the County side. I do now that up Power Line Road, we saw community members there also handling some of the washout. But if that is the case, then it is a DOT thing.

Mr. Smith:

For the record...

Council Chair Rapozo: Real quick, I think Councilmember Yukimura's question was on the cases that they were responding to the Mayor's request. That is what I heard in your question. Whether it was State road or County road, if we as a County Administration asked somebody to do something, then we need to either pay or facilitate the payment through the appropriate agency. That is all I am suggesting. I think the discussion for today is, is there a process in place for these complaints, claims, or requests for reimbursements that our citizens responded to the requests of the County, or the State, because even if it is a State road, then it definitely goes to the State. How are we responding to these requests, and not just shoving them under the carpet? That is my concern. Are we, in fact, processing and assisting these people in the mechanisms to use to get to compensation? That is what I think the question is.

Councilmember Yukimura: Council Chair Rapozo, can I verify?

MAUNA KEA TRASK, County Attorney: For the record, Mauna...

Council Chair Rapozo: Hang on.

Councilmember Yukimura: I just want to clarify that on the 27th, which was two (2) Fridays ago, I guess, when the complaint was very loud, I was just reviewing the tapes thank you Felicia. Larry Dill did say that they are processing something with respect to the State highways. I called him yesterday, but did not get an answer back, to find out where that was because he had said in about a week. That is correct, so there is that State highway and then—Power Line Road is a County road, right?

(Councilmember Kawakami was noted as not present.)

Council Chair Rapozo: I am not sure if that is DLNR or State?

Mr. Trask: For the record, Mauna Kea Trask, County Attorney. Broadly speaking, our understanding is that State DOT is using Federal Highway money, because it is an eighty/twenty (80/20) versus seventy-five/twenty-five (75/25) for Kūhiō Highway in that area. They are dealing with that. That is the money that they are only entitled to, and they are processing it. We are in touch with Mr. Sniffin and Mr. Dill regarding that, the status of the work, and the progress thereof. However, to speak to Councilmember Yukimura and Council Chair Rapozo's general comments regarding general work to be done in that area, the Mayor has made it very clear that he will no longer tolerate any kind of interjurisdictional "hokie pokie." It has been too frustrating now and it has been too

long. Ultimately, these people are all of our constituents so we are going to service them as best we can. The easiest way to facilitate such an arrangement is via what is called a "mutual aid agreement," which is provided for under the FEMA guidelines. Currently, the Governor and Mayor are pushing through—I have a draft in with the Office of the Attorney General (AG). There is going to be overall conceptual mutual aid agreement identifying that the executives will work together, and there is going to be specific interagency mutual aid agreements, specifically for streams and debris clearing. A lot of them are DLNR, land division, and Department of Hawaiian Homelands (DHHL). In the Anahola area, you see a lot of that. It is really mixed. So what that provides for, is that the County, because we submitted for the twenty-five million dollars (\$25,000,000), it was attached and described certain projects, we are looking to—essentially, the State can request the County's assistance under a mutual aid agreement that FEMA acknowledges, that the State will front us the money from the remaining seventy-five million dollars (\$75,000,000), we will follow Federal procurement, and the State can seek reimbursement even though we did the job on their property via the mutual aid agreement from FEMA. So, they can capture that on the back-end. That is what we are looking at right now.

Council Chair Rapozo: The question is, beyond all of the legal things that we have to do, can these people expect compensation for the work that they did at the request of the County?

Mr. Trask: That is the goal.

Council Chair Rapozo: Do they have to wait until all of these agreements are signed and processed, or is there a mechanism in place for them? These people did the work.

Mr. Trask: We would be happy take a check from the Governor's Office today, but again...

Council Chair Rapozo: Well, I am not talking about the Governor. I am saying in the case where the County, whether it was the Mayor or someone at the County-level said, "Hey, go clear out that road," where we gave the request, we put in the request, the County did, which is what I am hearing and I think Councilmember Yukimura and Councilmember Chock are hearing the same thing. We made the request. These people went out and did the work, and now we are saying, "Well, you have to hold on and wait until interagency agreement. We have to sign all of these documents, we are going to try to get the FEMA reimbursement." I guess my question is how do they get paid and when? They have done the work.

Mr. Trask: Yes. Without knowing the specifics, I do not want to assume. I am not aware of any personal conversations, not saying that they did or did not happen. I am not sure. We are going through the appropriate methods in order to do it.

Council Chair Rapozo: Okay.

Mr. Trask: That is the goal, to get these people paid who did assist in flood recovery. I want that to be clear.

Council Chair Rapozo: Is anyone aware if this County had received outside of a claim, because we have not, any kind of letter or request for compensation for work that they did?

Mr. Trask: That who did?

Council Chair Rapozo: A member of the community. Have we received any kind of a request from anyone that did work out there that was requested by the County for compensation?

Councilmember Yukimura: Council Chair Rapozo.

Mr. Tabata: Lyle Tabata, Acting County Engineer. As far as Public Works is concerned, and I hear "Powerhouse Road," so I assumed it is the Wainiha Powerhouse Road. Anyone who was on the job, has been paid for whoever was requested to be there. Outside of that, we have not gotten anything.

Council Chair Rapozo: Okay. Thank you.

Mr. Tabata: But whoever was asked to work, has been paid.

Council Chair Rapozo: Thank you very much. Councilmember Yukimura.

Councilmember Yukimura: Okay. At the meeting on the 27th of July, I asked them if they have submitted a claim. I think they submitted it to DOT. They do not always make the distinction of County and State *kuleana*, so some of the claims may have gone to the wrong place, which is why an organized or coordinated response between the State and County is important so that we can really—because you do not want to either compensate them overlapping them either, right? But the speed of response has been a piece of distress for them because they have to live, and they have not been working.

Mr. Tabata: For work that we have asked to be completed, we have paid as diligently as we...

Councilmember Yukimura: I am trying to track down the requests from the citizens, and we will compare that with what you have received to see if something has fallen through the cracks.

Mr. Tabata: Yes. We are totally open to receive anymore.

Councilmember Yukimura: Okay.

Mr. Tabata: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: I am just concerned that I hope that we do not get into the situation where...a disaster happened, yes. But maybe we had a person

who did work and now, they are thinking, maybe I should get money for it. But there has to be that process where we are hiring you to do this, or if you volunteered at the time, but then you think, "Wow, that is something that I should be compensated for." We have a process where we can say, "Well, that does not work."

Mr. Tabata:

Yes.

Councilmember Kagawa: A contract has to be made in order for—we are a government body. Yes, it is important and sometimes in hindsight, maybe we should have engage a contract with them. But if the contract was not made, I hope that we are not going back and trying to please them. If you please one (1), you are going to have to please them all. We are passed that point. Where do you get the evidence that the payment is just from the government agency? I hope that we can minimize that. I know it is not inevitable because people, like I said, they do things out of the goodness of their heart or organization, and in hindsight, maybe they feel like something that they did, that the government should pay for, but it is too late because we have to get a fair process, otherwise, the requests will never stop.

Mr. Tabata:

Thank you.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: I keep wondering if there is a way, whether it is the Mayor, a police officer, or something who is first on scene and sees work that needs to be done can have a form that says, "Do this, document this, and we will see you later on" if it did, in fact, help the response and recovery, because people may not think they need some money when they are doing it, but in the aftermath when people do not have work, that compensation can really help support the community through the recovery period. I do not know if there is a way to be ready. I think one way to be ready is to have executed contracts with people that, way prior to disaster, where if they are in the area and we give them the word, all of the terms are already set. We are learning.

Council Chair Rapozo: My comments were specific to those that were requested by the County. That is my concern, the ones that we said. I think that is where the question is, and we will get more information. We are talking about right after the storm.

Mr. Tabata:

Yes.

Council Chair Rapozo:
hours.

The first twenty-for (24) to forty-eight (48)

Mr. Tabata: We did a number of what we characterize as "verbal orders." Then, the weeks following when the initial reactive response period slowed, we then went and met with every one of those, for the sake of it, contractors who we gave verbal orders to and converted them to a written order. Then, if the work had to proceed for an extended period, the consequent change orders and so forth followed. So, it was very well-documented. The verbal orders were written in a notebook, then we took them, and converted them to written.

Council Chair Rapozo:
the State highway.

But Lyle, your verbal orders did not pertain to

Mr. Tabata:

No.

Council Chair Rapozo:

And I think that is where the problem is.

Mr. Tabata:

For County work only.

Council Chair Rapozo: I have not heard any complaints from the vendors or contractors that were requested by the County to do County work.

Mr. Tabata:

Okay.

Council Chair Rapozo: I have not heard any problems, but it is the initial response after to clear the highway. I think that is where the problem is, and it could be where the County made the request or it could be good Samaritans. I do not know, but I just want to make sure that people that responded to help this community gets compensated.

(Councilmember Kawakami was noted as present.)

Mr. Tabata:
followed.

Yes, that was the processes that Public Works

Council Chair Rapozo:
well.

It worked well, Lyle. To your credit, it worked

Mr. Tabata:

Thank you.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: My final thing is that I think the main thing, because we are coming from a disaster, the worst rain in history. If there are bumps and there are areas that perhaps approvals were given and there may be some dispute, I would say keep the lines of communication open with the Council because this was a disaster.

(Councilmember Chock was noted as not present.)

Councilmember Kagawa: Things had to be done. It is understood at some point that there was some miscommunication out there. I think the process is that we are the check. As long as those lines of communication are kept open, let us fix the problems together, because this was a disaster and we are expected to react like a private business even though we are a government agency. Like I said, I do not expect everything to have gone perfect because we were trying to react quickly. Yes, keep the lines open because I think we have to work together and fix whatever issues are out there and not try and bury it or whatever. I think I understand, at least from my position, that if there were some mistakes, then it is understood because this was a disaster and we cannot forget that. Thank you.

(Councilmember Chock was noted as present.)

Council Chair Rapozo: Are there any more questions regarding the presentation? Are you doing this one, too, Ken?

Mr. Shimonishi: Yes. The second presentation I have relates to the memorandum that was sent over requesting information. I know there were several items that we still owe that information to the Council regarding staff costs in terms of overtime and so on. But I think item 4 on that last item related to both the Department of Finance as well as the Emergency Management Agency, details on the project costs. Again, there are a few slides here that will give you an idea of how we derived these amounts. Page 1 is the Department of Finance. There are two (2) tables up there. The bottom table is what we submitted as our costs to FEMA after working with our FEMA assigned program delivery manager. The total cost is at ninety-four thousand five hundred forty-one dollars (\$94,541). You see the labor, approximately nineteen thousand seven hundred dollars (\$19,700); materials, seventy-three thousand seven hundred dollars (\$73,700); and then Direct Administrative Costs (DAC), which are the costs related to the time involved to put this data together for submission. FEMA actually came back and approved a little more than what we submitted. There was a fringe rate adjustment on the Direct Administrative Costs and then they took a few bucks off of the labor because they did not want to pay for some mileage reimbursement of about twenty-nine dollars (\$29) and materials. Not that they did not want to pay, but there was a dispute on a forty-one dollar (\$41) hose for the excavator—not a dispute, but basically, what they said was, “You paid for this hydraulic hose for the excavator, can you provide us maintenance records on the piece of equipment,” and at that point, I said, “Forget the forty-one dollars (\$41). I do not need to go back and waste my time and the auto shop’s time for digging in the records.” That is kind of where we split it. On page 2, this is the...

Council Chair Rapozo: On Page 1, I notice a contract that was approved was forty-six thousand dollars (\$46,000) County submission, zero (0). Then, materials was...

Mr. Shimonishi: Right, so...

Council Chair Rapozo: Did they move it in one category?

Mr. Shimonishi: What happened is that when we submitted, I just submitted this list of all of the items totaling seventy-three thousand seven hundred ninety-one dollars (\$73,791) and what FEMA did was when they looked at it, they split it the cost between the materials and the contract.

Council Chair Rapozo: Okay.

Mr. Shimonishi: Whatever their definition is. So, that is the same number, except for forty-one dollars and sixty-six cents (\$41.66) for the hose.

Councilmember Kagawa: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Ken, I hope the decision that you made, we are trying to encourage those kinds of decisions all the time on the emergency matters. The forty-one dollars (\$41) for you to spend your time and auto shop spend their time is way more than forty-one dollars (\$41), right, to go and do that? I hope that we do that every day, right, those kinds of decisions?

Mr. Shimonishi: I hope we have—yes, the commonsense ability to make those kinds of, I guess, executive decisions. Forty-one dollars (\$41) is not hard. If we talking four thousand dollars (\$4,000), well, I would obviously think twice and say, “Hey, chase this down and get us the money.”

Councilmember Kagawa: Good job.

Mr. Shimonishi: Starting on page 2, this is a list of positions that we submitted for FEMA reimbursement overtime. Each shaded area represents a position and then alternating for position change. The hours worked here went from April 15th, which is the start of the event, up through May 21st. Where you see “n/a,” that is where we had our Real Property Assessment staff, but because it was related to the individual assessment scope of work, that is what FEMA deemed ineligible. It was not considered emergency protective measures, so we just eliminated those positions out of that category. You can see that we had procurement people there, we had an Accounting Technician, our Information Technology (IT) staff manning the EOC as well, and Geographical Information System (GIS) personnel. It continues on to page 3. Again, our IT people, the Real Property Tax Manager, and IT Manager.

(Councilmember Brun was noted as present.)

Mr. Shimonishi: The total there including the fringe was nineteen thousand seven hundred thirty-three dollars (\$19,733) of what we submitted to FEMA, and they have accepted. On page 4, this is the details on the seventy-three thousand dollars (\$73,000), which they split between materials and supplies or contracts, I guess. A lot of these purchases we made via the purchasing card (PCard). This is where you saw the First Hawaiian bank vendor, but obviously, there are a lot of other direct vendors who we were paying for.

(Councilmember Kagawa was noted as not present.)

Mr. Shimonishi: A lot of the food that we purchased for the EOC operation as well as those out in the field. According to our IAP, we requested personnel out in different areas, so we had to provide the meals as well. You can see a bunch of small supplies and so on. We had purchased gloves, gas cans, ear muffs, and things of that nature. We also paid lodging for various personnel that we brought in; Hawai'i Air National Guard, the pilots, and so on. That came out of our funds as well. Page 5, again, same detail of expenses that make up the seventy-three thousand dollars (\$73,000). You can see where we have comments related to initial assessments (IA). We zeroed out the cost.

Then page 6, the total or subtotals on the bottom of how we categorized the expenditures. But again, FEMA takes that and puts it into their own category. But

that would make up the subtotals of the food, supplies, lodging, equipment, rental equipment, and so on; seventy-three thousand seven hundred fifty dollars (\$73,750).

Then on page 7, the Direct Administrative Costs. Basically, keeping a log of the time I spent working to put this project together to send off to FEMA, applying fringe rates, and so on. Then, they provide us with a reimbursement or eligible costs on that to be submitted as part of the Department of Finance's project.

On page 8, this is where we have the Emergency Management summary of expenses. We do not have all of the details yet. We are still kind of working through some of the detailed cost items and we may want to send it over under confidential letter for the staff overtime costs as well because they have unique positions there, so we want to be careful about disclosing staff compensation on that. But you can see the dates or timeframes of the costs incurred, the type of costs, and the total there estimated to be at this particular point is at two hundred forty-two thousand six hundred ninety-three dollars (\$242,693).

On page 9, this would be the details of what is entitled on the summary as EOC field meals, supplies, and hotel rooms for the pilots as well that they picked up. A lot of again, PCard transactions that go through, but you can see the vendor and the description of what was expended, relatively small dollars, small-level transactions. It is not purchase order level and so on. So that is page 9, 10, and 11. The total there by category and the total of thirty-two thousand two hundred seventy-six thousand dollars (\$32,276) thereof.

On page 12, you have a letter from City and County of Honolulu for the cost related to their staff coming over and augmenting or assisting us with their Emergency Management team during the EOC operations. That totals one hundred thirty-one thousand eight hundred thirty-eight dollars (\$131,838).

Council Chair Rapozo: I have a question on that.

Mr. Shimonishi: Okay.

Council Chair Rapozo: Did we request that? Did we request the Police Department and Fire Department?

Mr. Ushio: Council Chair Rapozo, the requests for the Incident Management Team (IMT) is actually just for the capability of highly trained individuals in what we call the "Incident Command System" or National Incident Management System (NIMS). City and County of Honolulu and Maui County have what we call a "Type 3" team based on the type of incident. We needed that. We requested the support to help us manage the incident from the EOC because of limitations in our staffing availability; the fact that a combination of several retirements of senior-trained personnel, police and fire, Kaua'i County; and the fact that many of our trained personnel were actually actively deployed working the incident itself. We did a combination of City and County of Honolulu and County of Kaua'i incident management personnel. It just so happens that we do not request specifically what department they come from. Their team sends accordingly. They are comprised of members of different City and County agencies.

Council Chair Rapozo: Ninety-seven thousand dollars (\$97,000) for police and fire from Honolulu. For the life of me, why? What do they do when they come here? What do they do?

Mr. Ushio: They staff various positions in the command structure, command and general staff. They, in essence, help us manage the incident by working with the Administration policy-level group. They identify our priorities and objectives for each operational period.

Council Chair Rapozo: Do we not have that capability? I went in the EOC twice and saw a bunch of high-ranking Kaua'i Police Department (KPD) officials in there. I saw a bunch of high-ranking Fire officials in there from Kaua'i. For the life of me, why are we spending money on that?

Mr. Ushio: We do have the capability here, but it is not as well-developed as the other Counties. I should not say "as other counties," as well as Honolulu and Maui County. They have a higher level of training of their personnel. They are larger Departments and larger Counties. We have been working towards that for the past several years.

Council Chair Rapozo: Who determines who is coming to Kaua'i? Who makes the decision that we are going to send x amount of Honolulu police officer and Honolulu firefighters? It is not even us, right?

Mr. Ushio: Well from the EOC, we put in the request for assistance.

Council Chair Rapozo: Right.

Mr. Ushio: It goes in through a system called "Web EOC" to the Hawai'i Emergency Management Agency, and they in turn look for in-State resources that can support us. In this particular case, City and County of Honolulu was first to respond.

Council Chair Rapozo: No, but they do not know our limitations and our capabilities. Only we know that. It was not like we had an incident that Honolulu is experts in. They never had a one hundred (100) or one thousand (1,000) year flood or they have never experienced a hurricane.

Mr. Ushio: We are not bringing them for expertise in a specific incident type. It is just for their ability and their expertise in incident command. What ICS is, is a nationwide common operating structure methodology terminology. It came about because you have these really large incidents like the California wildfires or what have you, people from different disciplines and different jurisdictions come in, and it is hard to manage.

Council Chair Rapozo: I could see if we had a fire like a wildfire, but I do not think are any more experts in flooding and disasters than Kaua'i.

Mr. Ushio: No. Again, it is not for the disaster type. It is for the methodology of ICS. That is why we brought them in.

Council Chair Rapozo: Okay. Is it like the first to volunteer gets the ticket?

Mr. Ushio: No, it is not. They have their Incident Management Team leadership, they have a rotation, they are on different team, and they would see who is available. They initially sent us just four (4) personnel.

Council Chair Rapozo: I am just looking at costs. Between fire and police, which I think we have more than enough capability for incident command, is close to one hundred thousand dollars (\$100,000). That troubles me.

Mr. Ushio: Again, we do have the capability of incident command, but a lot of our better-trained personnel were either deployed in their official capacities outside of the EOC to field incidents, or a lot of the leadership had retired, those with that higher level of training.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I raise my eyebrows, too, on this figure. But I also know that a twenty-four hours/seven days a week (24/7) around-the-clock operation in a traumatic kind of context can be really exhausting, and if you do not have fresh personnel, it can get dangerous. So was that part of the reason for drawing on those resources?

Mr. Ushio: Councilmember Yukimura, that is. That contributes because as you know, around-the-clock activation is taxing and our personnel have to rest as well. That is part of the challenges as far as fully staffing, that capability.

Councilmember Yukimura: The police who came from Honolulu were mainly involved in—what do you call it? I used to call it “EOC.” What do you call it now?

Mr. Ushio: They were involved in EOC. This is the Incident Management Team capability that augmented the EOC.

Councilmember Yukimura: Okay, and this is the first time we have had to call them in, or have we had them before?

Mr. Ushio: Prior incidents, we have always managed on our own.

Councilmember Yukimura: Right.

Mr. Ushio: This particular one, we made an assessment seeing how thin we were, yes.

Councilmember Yukimura: I can understand. I think this exceeded, at least in your tenure, the level of anything else that had happened. Okay. Thank you very much.

Mr. Ushio: Also, the duration was longer than any prior activation in my entire tenure at Emergency Management or Civil Defense before that.

Councilmember Yukimura: Yes. What duration did this cover? Was it about a month?

Mr. Ushio: We initially activated on the 14th. I believe their first people arrived, if I am not mistaken, on the 16th. I would have to go back and look. We stood-down the EOC on May 11th and they would have demobilized early to mid-week.

Councilmember Yukimura: On the 11th of?

Mr. Ushio: Of May. We did a handoff. We actually used it as an opportunity to train and further develop our County personnel to fulfill those roles, and then we did a phased hand-off.

Councilmember Yukimura: It is essentially a month of twenty-four hours/seven days a week (24/7) operations?

Mr. Ushio: It was not an entire month of twenty-four hours/seven days a week (24/7). At one point, we started standing-down for several hours each evening to give people rest, and we would complete the planning cycle prior to at least 7:00 p.m. or so, then a few more finishing things, and then shut down by 9:00 p.m. or 10:00 p.m.

Councilmember Yukimura: You did a transition?

Mr. Ushio: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Thank you. Thank you for the accounting of these funds. It looks like at least what was approved by FEMA puts us right in line with what our expenses were. My question is in moving forward. I know there is ten thousand dollars (\$10,000) that is still unaccounted for. How and what amount can be attributed to any future hazard mitigation plans or updating that we need to do, and can that funding be utilized?

Mr. Shimonishi: Are you talking about the ten million dollars (\$10,000,000) that has not yet been assigned to other projects?

Councilmember Chock: Yes, and I am talking broadly because there were a whole lot that came from the State. What is available for us as a County, to really act on preparing for the next series of events that might come forth based on what we have learned of what we need to update, and are we on that track to putting that together?

Mr. Shimonishi: I am trying to think of the ten million dollars (\$10,000,000) that we have unassigned yet, which we still need to put projects in for. The main department would be Public Works on the various other individual projects that I talked about. We need to be sure that we can fully fund those upfront to get those going, and that over and above the twenty-five million dollars (\$25,000,000), if we can do work on mitigation things, then would we want to address those as well. That would be whatever is above the twenty-five million dollars (\$25,000,000) or if we have moneys available within the twenty-five million dollars (\$25,000,000) that we have not yet identified. One (1) example is Emergency Management's request to do the radio sites, the pole replacements, I believe. Is that correct?

Mr. Ushio: One (1) of our approved projects as far as mitigation is the strengthening of our 800 megahertz (MHz) radio station. We did the phased upgrades, right? So, it is a digital system. What we proposed to do and was approved, is to upgrade all of our tower sites so they would resist a category 4 hurricane so that we do not lose them in a major hurricane.

Councilmember Chock: Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I have a question on page 8.

(Councilmember Kagawa was noted as present.)

Councilmember Kaneshiro: All of the spreadsheets after and with the City and County of Honolulu, because usually everything is timed, is this just money that is the County is going to have to spend? Where is this tied to? Is it money what we are paying or getting reimbursed?

Mr. Shimonishi: Right. This is the full cost of the County expending money, which we are using the State twenty-five million dollars (\$25,000,000). Based on these costs we submitted to FEMA, we would expect all of the eligible costs to be reimbursed at seventy-five percent (75%) of that amount. So if two hundred forty-two thousand dollars (\$242,000) is the total Emergency Management project that we submit to FEMA and they say all of these costs are eligible, we would expect to get a check back of seventy-five percent (75%) of that.

Councilmember Kaneshiro: Are these costs that we have not submitted yet, the two hundred forty-two thousand dollars (\$242,000) and one hundred thirty-one thousand dollars (\$131,000)?

Mr. Shimonishi: Correct. This is still in the works of going and reviewed and being finalized.

Councilmember Kaneshiro: The ones submitted and approved are done, and then these are our future costs that we are going to be submitting to FEMA?

Mr. Shimonishi: Yes. These are already submitted and being reviewed, but the initial payment of these costs come out of the County money until we get the actual money back from FEMA.

Councilmember Kaneshiro: But the ninety-four thousand dollars (\$94,000) has been submitted and approved and is—I guess I was getting confused because everything ties and then we have these last worksheets where I am like, “I do not know where...”

Mr. Shimonishi: The first set was just related to the Department of Finance. That is a project that I looked over and submitted work. Each Department has their own set of projects that they are working on and submitting to FEMA. This is Emergency Management's, their one (1) project, on their emergency response or emergency protective measures that they are in the process of submitting, have submitted some of the cost data. I think some are still in transit, but this is what we identified as KEMA's project for emergency response.

(Councilmember Kagawa was noted as not present.)

Councilmember Kaneshiro: Oh, okay. The Department of Finance has costs that they are going to get reimbursed, KEMA has costs that they are going to get reimbursed, and then Public Works and everything is the spreadsheet that we looked at before?

Mr. Shimonishi: Right.

Councilmember Kaneshiro: Parks and Public Works. Are there any other Departments besides that?

Mr. Shimonishi: There are multiple. Whoever did any kind of emergency protective measures, Planning was involved in the EOC and Transportation did some work as well. So on the project list, all of those costs within the State's twenty-five million dollars (\$25,000,000), we would attempt to submit to FEMA and see what will be determined eligible and reimbursable.

Councilmember Kaneshiro: Okay.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Ken, yours is an example of a departmental submittal?

Mr. Shimonishi: Right, this was in response to Council Chair Rapozo's request for these two (2) specific projects.

Councilmember Yukimura: Right, and this ninety-four thousand six hundred ninety-three (\$94,693) that has been approved, we will get back seventy-five percent (75%) reimbursement on that?

Mr. Shimonishi: That is my expectation.

Councilmember Yukimura: Okay. I just really want to commend you and your team. It is detailed, well-documented, and transparent.

Mr. Shimonishi: Thank you.

Councilmember Yukimura: Everyone can see how the money is being spent. It makes me realize that there were a lot of people doing a lot of work out in the field, but there were also equally a lot of people in the offices and in their various roles playing support roles for this whole effort.

Mr. Shimonishi: Right. If I could just finally add, our request to the Council is to apply, accept, and expend FEMA funding for the projects, and the projects do change. The amounts are estimates. There may be time when the projects fall off of the FEMA reimbursable or FEMA submission, there may be projects that get added on. But again, when we submitted our request to apply, accept, and expend, this was our best list of projects at that time. Again, dollars may move and so on. But again, we are seeking Council approval for those of that purpose.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Are there any other questions? If not, thank you very much. Is there anyone in the audience wishing to testify? With that, Felicia.

FELICIA COWDEN: Aloha. Felicia Cowden, for the record. I did just check with the families that did a lot of work out there and while they have not received compensation yet, I did learn that a check was written on August 3rd to a contractor in the area, and so that money has not been disbursed yet. But that did come from the Department of Transportation. I am sure we will be hearing soon. I was relieved to head that there is some coming. Councilmember Yukimura mentioned the film of the July 27th meeting, and in that, Larry Dill did say, "Well, we will get you something next week." It sounds like he delivered on that. We will see if that is appropriate, but at least it is a step in the right direction. Thank you.

Council Chair Rapozo: Thank you.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Anyone else? Seeing none, I will call the meeting back to order.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Is there any further discussion? The motion is to approve.

The motion to approve C 2018-169 was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2018-170 Communication (07/13/2018) from the Executive on Transportation, requesting Council approval to apply for, receive, and expend, a Fiscal Year 2018 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, in the amount of \$1,552,173.00, and to indemnify the FTA. This Section 5339(c) grant will provide eighty percent (80%) of the cost to replace three (3) diesel-powered buses exceeding their useful service lives with three (3) electric-powered buses, and provide for the design and construction of depot charger ports required for electric bus charging: Councilmember Kawakami moved to approve C 2018-170, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Is there any discussion? I do have some questions. With that, I will suspend the rules.

There being no objections, the rules were suspend.

Council Chair Rapozo: Is someone here from Transportation? I asked staff to pass out the response. I did send over questions to Transportation asking if they had resolved any issues with the Union, and yesterday, I got a response that, in fact, they cannot provide assurances that there will not be in collective bargaining or Union issues. I raised that question because a couple of years ago, we had approved the acquisition of some buses from the City and County of Honolulu and at the time, I had asked if there were any issues with the Union. This body was told "no" and come to find out, we could not get into an agreement with the Union. Therefore, those buses sat for years until it is no longer usable and was destroyed or disposed of. This is a one million five hundred thousand dollar (\$1,500,000) grant with an eighty percent (80%) coverage. We have to come up with twenty percent (20%), which my math tells me is over three hundred thousand dollars (\$300,000). I am very cautious and hesitant to approve this until we get assurance from the Union that the buses are not going to come and sit until we can agree on how we should use these buses. These are newer technologies and larger buses, kind of like what we got from Honolulu. My concern is that we get the money, buy the buses, and it sits because we cannot operate the buses. That is why I am going to be asking for a referral to the Committee so we can clarify that, because it is a huge investment. It looks really good to get electric buses, but if we cannot agree with the Union that we can even use these buses, then I think it is not very responsible. Councilmember Yukimura.

Councilmember Yukimura: I have a question. Is there a time constraint on this? Do we have a deadline for applying?

Council Chair Rapozo: It looks like we passed the application deadline already. As I read what is in the agenda, it looks like we passed the application deadline. So, I am assuming we already applied.

CELIA M. MAHIKOA, Executive on Transportation: Celia Mahikoa, Transportation Agency. Yes. The application was a collaborative application that was coordinated by State DOT that was with Maui, the Hawai'i Island, and Kaua'i. That was due, I believe it was two (2) weeks ago. It was included in there. I want to apologize for this after-the-fact coming through for approval. However, Kaua'i's

request did get included with the statewide request in case we are approved to proceed.

(Councilmember Kagawa was noted as present.)

Councilmember Yukimura: When you had the buses here, how did the bus drivers respond to it? I felt there was a real positive feeling, but what was the response as you folks in the Administration rolled out the buses for the brief pilot that we were given?

Ms. Mahikoa: The feedback we received was positive from all of the different individuals that had exposure to it, including the operators. For the most part, there was some concerns. They are rather intimidating. These vehicles are much larger than our standard vehicles that we operate. However, should we be allowed to proceed with procurement, we would be looking at somewhat smaller vehicles than what are there, but what we would end up with are still larger than what we are operate right now.

Councilmember Yukimura: My understanding was that you even used it to give some training in the stadium area for your bus drivers.

Ms. Mahikoa: Yes. We offered that. We left it open to all of them. Any who were interested was able to come over to the stadium and participate in maybe a ten (10) to fifteen (15) minute drive around to get a feel of experiencing what it is like to operate a vehicle of that size.

Councilmember Yukimura: How did that go?

Ms. Mahikoa: That went well. I wish I had gotten the statistics on exactly how many came out and participated, but we can certainly forward that information to you.

Councilmember Yukimura: This will give them an opportunity to be trained and actually accelerate or get to a higher level of skill and also pay, right?

Ms. Mahikoa: That is typically what is envisioned whenever new equipment is being implemented in an operation. So that is typically what is envisioned.

Councilmember Yukimura: Have you spoken to your counter parts in the other Counties that are part of this grant? Are all four (4) Counties part of the grant? No. Are these just neighbor island grants?

Ms. Mahikoa: Yes. Was O'ahu in as well? It was just Maui, Hawai'i Island, and Kaua'i.

Councilmember Yukimura: It was the three (3) neighbor islands.

Ms. Mahikoa: Yes.

Councilmember Yukimura: But O'ahu already has purchased electric buses, right, and they are operating on O'ahu?

Ms. Mahikoa: I believe they are in the process of manufacturing.

Councilmember Yukimura: Have they not already dealt with the Union issue then?

Ms. Mahikoa: Actually, we are the only County that actually operates the transit system.

Councilmember Yukimura: Oh, I see.

Ms. Mahikoa: Every other system is operated through private industry or the quasi-governmental operation that O'ahu has through O'ahu Transit System (OTS).

Councilmember Yukimura: I see.

Ms. Mahikoa: So we are the only organization that has these Unions.

Councilmember Yukimura: So therefore, the other Counties do not have to deal with the Union?

Ms. Mahikoa: I am assuming the private providers may have their own separate Unions. OTS has Teamsters that represents their drivers.

Councilmember Yukimura: So those operations on the other islands, not just the neighbor islands, but Maui, Hawai'i Island, and O'ahu may have Unions and on O'ahu where the Teamsters Union is involved, they seem to have worked out any concerns with the Unions?

Ms. Mahikoa: As far as I am aware of. I am not aware of any conflicts or any inability to work through it has happened there. They are already operating these larger vehicles, so that may make the transitioning somewhat easier for them. With us, we are moving from diesel vehicles to electric, and at the same time, the size of the vehicles are larger. We are going from standard braking systems to air brake systems, which is another transitioning item in operating them.

Councilmember Yukimura: What is the timetable if this grant has been submitted, and then when is word expected whether the grant will be granted.

Ms. Mahikoa: We anticipate an announcement being made within two (2) to three (3) months and from that point, then the award forwarding to Hawai'i DOT, and then they will allocate beyond that point to each of the Counties, our requested amounts. We are probably looking at about six (6) months at least to the point of where the funds would become available for our use.

Councilmember Yukimura: Would it then be possible for you to get a Union agreement that you will go through the consultation process within the next six (6) months and if you come to an agreement, then be able to receive the buses, because if the Union and the workers actually are positive about it, then it would be a shame to not be part of the grant right now and miss the cycle, right?

Ms. Mahikoa: Yes, that is correct. We would certainly put in a good effort to getting an agreement made by that time. It is just there are some factors that are unpredictable in that.

Councilmember Yukimura: Sure. Council Chair Rapozo, I have to leave right now, but I just want to put on the table the idea that we would approve contingent upon Union approval or the consultation process being successfully completed. Then, if we get the moneys and there is approval, then we would be able to receive it because otherwise, we will miss a cycle of opportunity when, in fact, the Union may be very positive about this full proposal of electric buses.

Council Chair Rapozo: First of all, it has been applied for, so it is not a cycle. The money had been applied for and they are going to approve the statewide grant whether we vote on this today or not. This is to accept the money from the State, correct? This is to accept the money from the State, not from the Federal Transportation...the application was already done. I believe the deadline was back in June.

Ms. Mahikoa: It was for inclusion in the grant application that DOT has submitted.

Council Chair Rapozo: Right. The last buses that we took from Honolulu was diesel. It was the same combustion engine. Was there air brakes on that one?

Ms. Mahikoa: Yes.

Council Chair Rapozo: So it required a whole different maintenance because we do not have air brakes on areas?

(Councilmember Yukimura was noted as excused.)

Ms. Mahikoa: Right.

Council Chair Rapozo: What was the hold up or why could we not get it done with the buses that we took from Honolulu that makes us think that we are going to a bigger bus with a new engine and new brakes? What makes us think that we are going to be successful at this one and that we could not get it done with the other one?

Ms. Mahikoa: We achieved some learning going through the negotiations with them. There were some challenges on their side as well.

Council Chair Rapozo: Like what? Why would they oppose this?

Ms. Mahikoa: It is more carrying it out as they will determine is most appropriate. We were trying to be fiscally responsible with the approach and looking statewide what the compensation agreements are for bus drivers who operate vehicles of that similar type as O'ahu's.

Council Chair Rapozo: Do you mean comparing the pay scale with the Teamsters?

Ms. Mahikoa: Yes, with that as well as looking at the pay scales on Maui and Hawai'i Island as well. All of those operate the larger vehicles with air brake requirements.

Council Chair Rapozo: Right, but they are not part of the United Public Workers (UPW) contract. It is apples and oranges. We will never get to an agreement with paying our County workers Teamster's wages. Do you know what I am saying? If that is what they are demanding, then it is probably unlikely that we will get to an agreement.

Ms. Mahikoa: Well, we need to find a place where we can have agreement for the betterment of the community.

Council Chair Rapozo: I think we need to do that before we commit the three hundred thousand dollars (\$300,000). I think we need to commit that before we say that we are going to give you three hundred thousand dollars (\$300,000). I think that is my concern. I am just sharing my concern. Councilmember Kaneshiro.

Councilmember Kaneshiro: I forgot all of my questions already. As far as the money goes, do we have that money budgeted already, our match, the twenty percent (20%)?

Ms. Mahikoa: The match would come from our...

Councilmember Kaneshiro: Bus replacement schedules?

Ms. Mahikoa: Right.

Councilmember Kaneshiro: I guess my comment was going to be on Councilmember Yukimura's comment that we approve now on the condition of getting to some agreement. My comment would be that application is in already, so why do we need to approve anything now? I would rather want to wait and let them come to agreement and then we make a decision then. I would hate to have buses sit like the last time. I would hate for us to not to be able to get to an agreement and we have committed ourselves to spending money on buses that we cannot drive. That was my comment in regards to my feeling on approving. As far as the bigger buses, does that play in with the Short-Range Transit Plan that we had when you run the bigger buses in certain areas to accommodate bigger loads, maybe wider roads only on the highway and then use the smaller buses?

Ms. Mahikoa: That is precisely correct. The larger vehicles would be used primarily for the heavy commuter hours, whereas right now, we are reaching points where some of our runs where there is either standing-room only or

our drivers are needing to deny boarding to individuals during the extremely heavy runs that they go on. What we are doing right now is just seeking other methods to identify vehicles that may be just getting out of service and if we extend that run a little longer, then we can have them at least assist with those situations. That would lighten up that difficulty that we come through to where that vehicle is dedicated to the heavy runs and therefore, when they get there, they are able to transport the entire demand for that time period of the day. It would be strictly just on highways since larger vehicles cannot be maneuvering into smaller areas, driveways, and parking lots as we still are needing to do at the moment. So there is still modification that would be required with service.

Councilmember Kaneshiro: Would the charging station go to the baseyard or would it go to the fuel station area?

Ms. Mahikoa: I think ideally, we would have it at our baseyard just for the purposes of being able to have access to it all times to be charging the vehicles as they are available.

Councilmember Kaneshiro: Okay. Thank you.

Council Chair Rapozo: How long do the buses run on a charge?

Ms. Mahikoa: Do you recall?

Council Chair Rapozo: You have to have a long run if you are only to have one (1) at the station.

JEREMY KALAWAI'A LEE, Program Specialist III: Kalawai'a Lee, Transportation Agency. The buses that we brought in for the pilot project were designed for maximum range. When we rolled them out here on Kaua'i, we found that we could drive from our baseyard facility in Lihue out to Kekaha at the end of our run and back in two (2) times before it needed to be put on a charger with thirty to forty percent (30-40%) left of the existing battery life. The vehicles can be extremely different in terms of the configuration of battery pack, the battery life of the vehicle. We know that the rapid fast chargers take about two and a half (2½) hours to charge from a fully depleted battery to a fully charged battery. So we could use depot charging and charge overnight for most of the vehicles that we would need to bring in for the purpose of those larger runs.

Council Chair Rapozo: Okay. Have we had any discussions with UPW at all? Where is that at?

Ms. Mahikoa: Yes, there has been. Basically, they have been going through their own challenges, manpower-wise, keeping sufficient staffing. But they have asked that just for now, that we put it on the side while we are dealing with other issues with them. But at any point, we can ask them to bring it present again and that it is now a high priority. They are willing to discuss it.

Council Chair Rapozo: When would be the absolute deadline for this Council to approve the request being that it is already being...

Ms. Mahikoa: At the point when the State is telling us that the funds have become available and are available for draw, so that would be about six (6) months.

Council Chair Rapozo: About six (6) months?

Ms. Mahikoa: Yes.

Council Chair Rapozo: Yes.

Ms. Mahikoa: That is what we anticipate.

Council Chair Rapozo: Go ahead.

Councilmember Kaneshiro: I have a follow-up in regard to the buses. Are these buses going to take a different type of maintenance or a different type of specialty for mechanics to fix, and do our people have that type of capability? I guess just in general, what is the life of those buses? Do they last longer than the regular buses?

Ms. Mahikoa: Do you want it take that? Thank you.

Mr. Lee: That is a good question, and the answer is it is all brand-new territory. The entire State and much of the Country is moving towards these battery electric buses as the prominent technology for transportation. So the answer is, there is no one within Kaua'i that is technically capable of dealing with these buses. Our County team would be, as part of the procurement through this Low-No grant, part of it would be to bring in professional trainers to make sure that our facility and team is up to the standards to be able to maintain and deal with the issues of the vehicle. That being said, there is about two hundred fifty (250) less moving mechanical parts in the engine. The vehicles and technicians servicing them become much more of a computer-based software programming issue than more of a mechanical nuts and bolts issue. From everything that we have understood and are learning over the process of the last couple of years about battery electric buses, the maintenance side is actually a cost-savings when it comes to lifecycle costs. So the upfront cost is where the capital expense is, is where the big expense for our County is. But the backend and the long-term use of the twelve (12) years of useful life for the vehicles is supposedly about a three hundred fifty thousand dollar (\$350,000) cost-savings in maintenance. So, it balances out the overall expenditure looking at the entire lifecycle cost. I hope that answers all of your questions.

Councilmember Kaneshiro: One (1) more. In Japan and whatnot, they have buses that keeps track of the people. Are we ever going to move our buses towards that rather than manually keeping track? I think it would allow us to better manage the system because you have more accurate reading of when people are getting on the bus, what stops they are getting on the bus, and what time of day they are getting on the bus. Do we have that capability right now?

Ms. Mahikoa: Right now, what we did just transition to two (2) years ago is where our buses now have tablets. Our drivers no longer have pencils and little tick marks on a clipboard. They are keying in the number of

boardings and drops per stop. We do have that data being assembled electronically and transmitted. We are about halfway there. We would love to ideally, get to a place where we can use smart card technology and things like that, but that in and of itself, would be a huge investment that we would need to commit to and would take a lot to carry out for the entire fleet for the different loading points on the island. The challenge all comes down to just the funding availability in order to carry out such a large transition.

Councilmember Kaneshiro: Okay.

Council Chair Rapozo: Councilmember Brun, Councilmember Kagawa, and then Councilmember Kawakami.

Councilmember Brun: I have a follow-up from earlier. Do we have certain buses that is full, standing-room only?

Ms. Mahikoa: Yes, occasionally right now.

Councilmember Brun: Are those the big buses?

Ms. Mahikoa: Yes.

Councilmember Brun: Do you know how much that is?

Ms. Mahikoa: For us, big is right now—do we have thirty-three (33) seats? We have a couple of thirty-three (33) seats, thirty-one (31) seats, and twenty-nine (29) seats. But that is seats, and then in addition to that, there is room for individuals to stand.

Councilmember Brun: Where is that? What route is that?

Ms. Mahikoa: In the early morning going into, primarily early morning weekends, we have resort workers who are working in Princeville who come from Hanamā'ulu, Kapa'a, the Wailua area, and the Kapa'a skate park. They are all needing to get on these vehicles. For those, we have been communicating with the individuals who coordinate the workforce out there in order to be able to encourage them to utilize this additional bus that we are running half an hour early in order to address the overcrowding that has been happening there. Then also in the afternoon, it is pretty much the same thing. We have had an additional bus running out there that typically would have ended in Kapa'a. But around that time, we just extended that shift for another hour to have them out to Princeville and pick up the overcrowding.

Councilmember Brun: So it is basically just two (2) routes a week running in the afternoon that is full? Seriously, I have never seen a bus...

Ms. Mahikoa: These are the extensively overcrowded ones. Beyond that, we must admit that over the past year or two (2) with fuel prices that had gone down and everything else, that ridership has tapered off somewhat.

Councilmember Brun: Okay.

Ms. Mahikoa: There are times when yes, there is standing-room only, and it is typically commuter time at the end of the day when individuals are headed out of Līhu'e, and then in the morning when individuals are headed in. But it is nothing to point where we have had to deny boarding.

Councilmember Brun: Yes.

Ms. Mahikoa: The weekends are where we had to deny most recently.

Councilmember Brun: Okay.

Mr. Lee: Friday nights also.

Ms. Mahikoa: Yes, and Friday nights with all of our youth who are coming to Kukui Grove Center.

Councilmember Brun: Yes. Was the route you did with the electric bus from here to Kekaha twice?

Mr. Lee: It is two (2) roundtrips from Līhu'e out to Kekaha, back into Līhu'e, and then that same run again before it needed to be put back on the charger. There was about thirty percent (30%) battery life left.

Councilmember Brun: Was that without doing stops, straight drive there and straight back, or all stops?

Mr. Lee: Full revenue service. All stops.

Councilmember Brun: All stops?

Mr. Lee: Yes, full service.

Councilmember Brun: Would that be what that bus would normally do in one (1) day? If a bus driver goes from here, how much times does it go? Is it two (2) trips for the entire eight (8) hour shift?

Mr. Lee: That would be considered a shift for us before they would go on a split and another run would start.

Councilmember Brun: Okay. Thank you.

Council Chair Rapozo: I have to apologize. We have to take a caption break. Let us take a ten-minute caption break. We will take a ten-minute caption break.

There being no objections, the meeting recessed at 11:48 a.m.

The meeting reconvened at 12:02 p.m., and proceeded as follows:

Council Chair Rapozo: Are there any further questions?
Councilmember Kagawa, did you have a question?

Councilmember Kagawa: No. I talked to the Executive on Transportation over the break.

Council Chair Rapozo: Okay.

Councilmember Kagawa: I am going to do my questions in writing for a future date. She has the answers that I was looking for.

Council Chair Rapozo: Councilmember Kawakami.

Councilmember Kawakami: Thank you, Council Chair Rapozo. I know you folks were scrambling to get this grant application in because it did pop-up at the eleventh-hour, so I understand why it is after-the-fact. These grant applications often times pop-up and you folks are scrambling to get more than our fair share from the Federal agencies. Thank you. My question is sort of in line with having discussion with UPW, but one of the key players to is going to be able to make this a viable project would be Kaua'i Island Utility Cooperative (KIUC). Have you begun to have conversations with what type of rate they are going to be charging us, because we have a similar goal, and that is to lower emissions and to get off of fossil fuels? So if they are going to be part of this, I can see that they are going to have to be open to giving us a favorable rate at our charging stations. Have you folks begun to sit down and talk story with KIUC?

Mr. Lee: That is a good comment. It is very truthful in the way that KIUC is a major player in the successfulness of this type of project as our electrical company here on island. We need them to be at the table and they have come to the table and sat with us. We actually did a trip specifically geared to start that conversation with them.

(Councilmember Brun was noted as not present.)

Mr. Lee: We took one of the battery electric buses and drove to KIUC, picked them up, held them captive on the bus for fifteen (15) to twenty (20) minutes, talked to them about the experience that we had with the battery electric buses demonstration project here on the island, and fielded any questions that they had. They all expressed some level of interest in the project. Beth Tokioka, from KIUC, has been a part of a lot of our discussions about the evolution of the project and we feel hopeful that we will come to some understanding about how we can make this project financially viable for the County and be beneficial for the community.

Councilmember Kawakami: Thank you.

Council Chair Rapozo: Thank you. Have we done a cost analysis for three (3) years or five (5) years and what the operating costs are based on the electric rates? We do not have any reduced rates by KIUC, so using the existing rate and the amount of electricity that the charging stations will require, how much the personnel costs will be, because obviously, we are either going to have to retrain some mechanics

or bring in new mechanics to deal with the new technology, the drivers as well. Have we done a cost analysis to see? I know you mentioned earlier, it was a very generic cost-savings that probably the vendor of the bus that they provide in general terms. But we have done one from Kaua'i?

Mr. Lee: With Ben Sullivan and the Office of Economic Development (OED), we are in the process of doing a full lifecycle analysis cost based on our existing fleet and metrics that we data collect on, and we are balancing that with what the new battery electric buses might be.

Council Chair Rapozo: Okay.

Mr. Lee: So I do not have a timeline, I am sorry, Council Chair Rapozo, for when that will be completed. But we are working on it. I believe even today, as we speak, Ben is having a telephone conference to review the initial findings of that lifecycle cost analysis. We would be happy to present that information to you. Undoubtedly, we want this project to be financially sustainable and viable for our community. We are not in the business of doing things that are not financially prudent, so even though this is a mandate from the State level and through our Counties, we want to make sure that first thing is really locked tight and solid.

Council Chair Rapozo: The fact that I am asking questions does not mean I do not support electric buses. I do. Of course, we all do. We all support lower emissions and electric vehicles, but our job is to ask those specific questions and find out because even if it is more expensive than the current fleet, the ancillary benefit, whatever the collateral benefit or whatever you want to call it, may be worth that cost. But without knowing what the cost is, it is very difficult and then to commit this County to twenty percent (20%) match, I think for me anyway, I just need to have a little more information.

(Councilmember Brun was noted as present.)

Council Chair Rapozo: My biggest concern is the Union, the fact that we could not get to an agreement with gas buses that already were being used on O'ahu and being driven by drivers on O'ahu, and we could not even get to that agreement. This is a whole new technology, which gives them a whole new book of questions to ask. That is my only concern.

Mr. Lee: Council Chair Rapozo, if I could just clarify that statement a little bit. The main sticking points that the Union would be looking at would be the size the vehicle and the component parts that they would have to be aware of in order to operate that vehicle safely and effectively. In between a forty (40) foot diesel bus compared to a forty (40) foot battery electric bus, major componentry of how you would do that job of an operator is not very different.

Council Chair Rapozo: Right.

Mr. Lee: I think when we go back to the Union and have discussion, the same topics will be there, so it is not going to be a major shift in

change when we talk about forty (40) foot battery electric buses compared to a forty (40) foot diesel bus.

Council Chair Rapozo: Right, but when did we get the Honolulu bus? When did we start the negotiations with the Honolulu buses?

Mr. Lee: Late 2014.

Council Chair Rapozo: It took years and we still could not come to agreement, so that is an issue. I do not know if at some point, the County has the authority to say, "Well, we have tried, met, consulted, we disagree, and we are moving forward." We have to make a decision. I guess what I am saying is we have had those discussions on a similar bus, but this is a much different technology. The arguments may be the same because the bus is the same size and we still have to retrain drivers and mechanics, and we could not get done over a few years and that is again, my concern.

Councilmember Kagawa: My suggestion is that we refer it to Committee. I see all of our attorneys here for Executive Session and I feel like the members are a little uncomfortable approving it now. I want to see the written responses to my questions as well, and then we can have everything at the Committee Meeting and come back to Council.

Council Chair Rapozo: I will tell you what my suggestion is, just send it over to—what we have to do today—we have to apply for the approval even if it is after-the-fact. We are required to approve these applications supposedly before. That was already done, so we need to do a motion to approve the application.

Councilmember Kagawa: Okay.

Council Chair Rapozo: My suggestion would be, as far as receiving and expending, that would come at a later time. That part could be referred and I would suggest not next week, two (2) Committee Meetings away.

Councilmember Kagawa: Right.

Council Chair Rapozo: That will give then three (3) weeks to put together the responses to our questions.

Councilmember Kagawa: Can I make that motion?

Council Chair Rapozo: Well, that is just my suggestion. Is there any other discussion?

Councilmember Kawakami: I just have a quick question to clarify.

Council Chair Rapozo: Go ahead.

Councilmember Kawakami: Will us deferring this out to a couple Committee Meetings from this meeting put the application in any type of detrimental position? Okay. Well then, that is fine.

Council Chair Rapozo: Go ahead.

Councilmember Chock: Just a point of clarification, Council Chair Rapozo. Are we going to approve this and ask for referral for the actual specific...

Council Chair Rapozo: Scott just advised me that we will approve just the application today.

Councilmember Kagawa moved to approve the request to apply only for the Fiscal Year 2018 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant, seconded by Councilmember Brun.

Council Chair Rapozo: Okay, and then we will create a new posting for the next item because he is saying that we cannot split this up. So, the motion is to approve the application of the grant.

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to approve the request to apply only for the Fiscal Year 2018 Federal Transit Administration (FTA) Section 5339(c) Low or No Emission (Low-No) Bus Program competitive grant was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Okay, that is it. Thank you very much. We will have another posting in three (3) weeks and staff will work you with to put in the post. Thank you.

C 2018-171 Communication (07/20/2018) from Council Chair Rapozo, transmitting for Council consideration, A Bill For An Ordinance Amending Chapter 23, Kaua'i County Code 1987, As Amended, Relating To Taxicabs: Councilmember Kagawa moved to receive C 2018-171 for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: This is a housekeeping measure. We will get to the Bill later.

The motion to receive C 2018-171 for the record was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

Mr. Sato:
we are on Claims.

The next item needs an Executive Session, so

There being no objections, C 2018-173 was taken out of order.

CLAIMS:

C 2018-173 Communication (07/27/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Sheila Ann Davis, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

C 2018-174 Communication (07/27/2018) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Veronica Cooney, for damage to her vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

Councilmember Kagawa moved to refer C 2018-173 and C 2018-174 to the Office of the County Attorney for disposition and/or report back to the Council, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2018-173 and C 2018-174 to the Office of the County Attorney for disposition and/or report back to the Council was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

COMMITTEE REPORT:

COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2018-03) submitted by the Committee of the Whole, recommending that the following be Received for the Record:

"COW 2018-01 Communication (07/09/2018) from Council Chair Rapozo, requesting the presence of the Director of Finance, the Planning Director, and the Acting County Engineer, to provide a comprehensive update on the flood response and post-flood response including how the Administration is applying new laws to homes that are being repaired/reconstructed, expenditures of all sources of emergency funding, Federal Emergency Management Agency (FEMA) reimbursements, et cetera,"

Councilmember Kagawa moved for approval of the report, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

Council Chair Rapozo: Motion carried. Next item.

RESOLUTIONS:

Resolution No. 2018-25 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE SALARY COMMISSION (*Trinette P. Kaui*): Councilmember Chock moved for adoption of Resolution No. 2018-25, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Kagawa: Yes.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: Trinette is impressive for the Salary Commission, but I would hope that we keep her name open to other Commissions. I think perhaps the Planning Commission, too. I think she is highly capable and can serve on perhaps, more important Boards or Commissions. Thank you, Council Chair Rapozo.

Council Chair Rapozo: Thank you. Is there any further discussion?
Seeing none, roll call.

The motion for adoption of Resolution No. 2018-25 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Next item.

Resolution No. 2018-26 – RESOLUTION APPROVING THE NOMINATION OF COUNCILMEMBER RIKI HOKAMA, COUNTY OF MAUI, TO SERVE ON THE WESTERN INTERSTATE REGION BOARD OF DIRECTORS FOR FISCAL YEAR 2019: Councilmember Chock moved for adoption of Resolution No. 2018-26, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any testimony or discussion?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for adoption of Resolution No. 2018-26 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Next item.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2717) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 13 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE ELECTRICAL CODE: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2717) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 12, 2018, and referred to the Public Works / Parks & Recreation Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion for adoption of Proposed Draft Bill (No. 2717) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 12, 2018, and referred to the Public Works / Parks & Recreation Committee was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Next item.

Proposed Draft Bill (No. 2718) – A BILL FOR AN ORDINANCE AMENDING CHAPTER 23, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TAXICABS: Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2718) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 12, 2018, and referred to the Budget & Finance Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seining none, roll call.

The motion for adoption of Proposed Draft Bill (No. 2718) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for September 12, 2018, and referred to the Budget & Finance Committee was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Can you read us into Executive Session?

EXECUTIVE SESSION:

ES-954 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with an additional briefing update and request for authority to settle the case of Klaus H. Burmeister, et al. v. County of Kaua'i, CV 16-00402 LEK-KJM (United States District Court), and related matters. This briefing and consultation involves consideration of

the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-955 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing and request for authority to settle the case of Cameron Raymond v. County of Kaua'i, et al., CV 15-00212 ACK-RLP (United States District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-956 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide the Council with a briefing in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matter. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-957 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney on behalf of the Kaua'i County Council, requests an Executive Session with the Council, to provide Council with a briefing regarding a claim filed by Kalani Construction Inc., and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-958 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council, to provide Council with a briefing and request authority for a possible settlement proposal in a County claim against Greg Von Kreiger and Steven Wolshin, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-954, ES-955, ES-956, ES-957, and ES-958 seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion to convene in Executive Session for ES-954, ES-955, ES-956, ES-957, and ES-958 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Rapozo	TOTAL – 6,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Yukimura	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: With that, we will recess into Executive Session. We are trying to get out of here before 1:00 p.m. because we have that one (1) item that we have to vote on in open session. If you could stay to 1:00 p.m., we would appreciate it. With that, recess to Executive Session.

There being no objections, the meeting recessed at 12:17 p.m. to convene in Executive Session.

The meeting reconvened at 1:54 p.m., and proceeded as follows:

(Councilmember Yukimura was noted as present; Councilmember Kagawa was noted as not present.)

Council Chair Rapozo: We have one (1) final item for the day.

C 2018-172 Communication (07/26/2018) from the First Deputy County Attorney, requesting authorization to expend additional funds up to \$10,000.00 for Special Counsel's continued services provided in Eric Y. Shibuya vs. County of Kaua'i, et al., Civil No. 13-1-0345 (Fifth Circuit Court), and related matters: Councilmember Brun moved to approve C 2018-172, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion to approve C 2018-172 was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative for the motion).*

Council Chair Rapozo: Thank you very much. With that, there is no further business on the agenda. With no objection, this meeting is adjourned.

ADJOURNMENT.

There being no further business, the Council Meeting adjourned at 1:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "SK Sato", written in a cursive style.

SCOTT K. SATO
Deputy County Clerk

:aa